COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: February 13, 2015
CSC No. 13-204
FILE No. 2299286

OFFICE CORRESPONDENCE

FROM: CHRISTINE ROAM, SERGEANT
ADVOCACY UNIT

TO: DONNIE L. MAULDIN, CAPTAIN
INTERNAL AFFAIRS BUREAU

ATTN: Lt. Donna Copplin

SUBJECT: JUDITH GONZALEZ, DEPUTY SHERIFF, EMPLOYEE NO. [redacted]

On April 4, 2013, Deputy Gonzalez was given her Letter of Intent. On May 1, 2013, Deputy Gonzalez was given her Letter of Imposition notifying her that she was discharged from her position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on April 30, 2013.

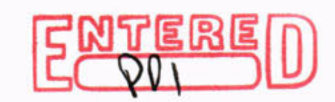
On May 7, 2013, Deputy Gonzalez appealed her discharge to the Civil Service Commission. On June 19, 2013, the Commission granted a hearing. Hearing Officer Ernest S. Gould was appointed. On August 21, 2014, Hearing Officer Gould recommended that Appellant's appeal be denied, and that Appellant be ordered discharged from her position as Deputy Sheriff.

On January 28, 2015, the Commission overruled the petitioner's objections and adopted as its final decision the findings and recommendation of the Hearing Officer, Ernest S. Gould, to sustain the Department. Therefore, the discharge shall stand.

Please make any necessary changes in your records and to PPI to reflect the attached Hearing Officer's Decision, Final Commission Action and Order of the Civil Service Commission. If you have any questions regarding this matter, please contact me at (323) 890-5413.

CR:ddt

Attachments





CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

COMMISSIONERS: DENNIS F. HERNANDEZ • NAOMI NIGHTINGALE • JOHN DONNER • GREG KAHWAJIAN
LAWRENCE D. CROCKER, EXECUTIVE DIRECTOR • STEVE CHENG, HEAD CIVIL SERVICE COMMISSION

January 30, 2015

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **JUDITH GONZALEZ** for a hearing on her **discharge**, effective April 30, 2013, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 13-204**.

The Civil Service Commission, at its meeting held on January 28, 2015 approved findings in the above-entitled case. The petitioner's objections were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: Judith Gonzalez
Leslie Wilcox
Vincent McGowan
Ernest Gould

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the ***discharge****, effective April 30, 2013, from the position of Deputy Sheriff, Sheriff's Department, of* **JUDITH GONZALEZ** **(Case No. 13-204)**	ORDER OF THE CIVIL SERVICE COMMISSION

On January 28, 2015, the Civil Service Commission of the County of Los Angeles overruled the petitioner's objections and adopted as its final decision the findings and recommendation of the Hearing Officer, Ernest Gould, to sustain the Department.

Dated this 4th day of February, 2015.

Z. GREG KAHWAJIAN, President

DENNIS F. HERNANDEZ, Member

NAOMI NIGHTINGALE, Member

CAROL FOX, Member

JOHN DONNER, Member



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CIVIL SERVICE
COMMISSION

COUNTY OF LOS ANGELES

CIVIL SERVICE COMMISSION

In the Matter of the Discharge of JUDITH GONZALEZ, Appellant/Employee v. COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT Respondent/Employer	)	Civil Service Case No. 13-204 **HEARING OFFICER'S REPORT** **Findings of Fact, Conclusions of Law, and Recommendations**

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INTRODUCTION

By a letter dated May 1, 2013, Judith Gonzalez (aka Diaz) (hereinafter the "Appellant") was notified that she had been discharged from her position as Deputy Sheriff with the Sheriff's Department (hereinafter the "Department" or "Respondent").

Pursuant to a timely Notice of Appeal, Hearings were held in this matter on eight separate days during 2014: February 3, February 10, March 10, March 18, March 31, April 1, May 29 and June 12. Appellant's and Respondent's Exhibit Lists are attached as pages 38 through 50.

The Department was represented by Vincent C. McGowan of the law firm of Hausman & Sosa. The Appellant was represented by Dale G. Nowicki of the law firm of Green & Shinee.

At the conclusion of the Hearings, the parties submitted written closing arguments, and the record was closed.

ISSUES

The issues as defined by the Civil Service Commission and adopted by the Hearing Officer, are as follows:

1. Are the allegations contained in the Department's letter of May 1, 2013, true?

2. If any or all are true, is the discipline appropriate?

BACKGROUND

On the night of October 13, 2011, Appellant met with a friend, Sheriff's Detective [redacted] for an off-duty evening to go out for drinks.

[redacted] drove and picked up Appellant. The two off-duty deputies went to a local restaurant/bar called Mr. V's. They were joined there about 10:30 p.m. by a third off-duty deputy, [redacted] It was estimated that Appellant had between one and a half and two glasses of wine at Mr. V's.

While at Mr. V's, Deputy [redacted] received a call from her station dispatcher chewing her out for responding to calls to which she had not been assigned. This apparently angered [redacted]

Mr. V's closed relatively early and the three women decided to proceed onto a second bar

in Whittier called J.T.'s Bar and Grill. [redacted] wanted to drop her car off before proceeding on so [redacted] followed her to a residence in La Mirada where [redacted] car was left. All three women then drove on to J.T.'s in [redacted] car.

The record indicated that Appellant had from two to three mixed vodka drinks while at the second bar from about midnight to 2:00 a.m. (In the early hours of October 14, 2011 (when they left the second bar), for some reason, [redacted] drove [redacted] car in order to go back to La Mirada.

While going back to La Mirada, a verbal altercation occurred between [redacted] and the Appellant. [redacted] was driving fast and taking sharp corners at high speeds and Appellant was upset at the way [redacted] was driving. Appellant demanded that she be let out of the car even though she didn't know exactly where she was.

[redacted] ultimately drove into a parking lot at La Mirada Park. Both [redacted] and the Appellant got out of the car.

After some words, [redacted] struck Appellant in the face and knocked her down, and then straddled Appellant and held her down while she punched Appellant in the face and attempted to choke her and slam her head into the asphalt parking lot.

[redacted] then got out of the car and ordered [redacted] to stop assaulting Appellant but [redacted] continued the assault. Eventually, [redacted] came up and pulled [redacted] off of Appellant, at which time [redacted] and [redacted] commenced a the physical confrontation, rolling around on the ground. Appellant then went back to the car and claimed to be looking for her cell phone in order to call for help. She couldn't find it but remembered that she had locked her off-duty firearm in [redacted] glove compartment. Appellant had difficulty finding the keys to the glove compartment and it took from five to ten minutes for Appellant to retrieve the handgun.

At this point, [redacted] had straddled [redacted] on the ground. Appellant ordered [redacted] to get off several times and at about the same time [redacted] jumped off, Appellant claimed she fired at [redacted]

Appellant claimed that [redacted] had approached. There was a dispute as to whether or not [redacted] had already turned around and was running away or was still approaching the Appellant,

when Appellant fired the second shot.

[redacted] eventually did run from the park and went to a nearby fire station known to her.

At about 3:09 a.m., a neighbor near the park was awoken by the sound and called the Sheriff's Department. The uniformed deputies responded to the park quickly. Firefighters subsequently responded to the incident also, leaving [redacted] at their station. [redacted] was disheveled, complaining that someone had shot at her, and also expressing concern about losing her job.

The deputies found two disheveled women at the scene and apparently called for paramedics. They also found a firearm on the ground. Appellant had a broken nose and her face and clothing were covered in blood. Numerous Department personnel arrived at the scene. Appellant was detained there for about four hours until her supervisor, Captain Romero, arrived. At 5:46 a.m., Appellant underwent a Breathalyzer test which registered 0.157.

After being at the scene for approximately four and a half hours, Appellant was transported to a hospital for an "OK to book."

She was treated for contusions and lacerations.

The paramedic personnel had previously termed her injuries and broken nose to constitute minor injuries. After the hospital, Appellant was taken to the Norwalk Sheriff's Station at about 11:23 a.m.

At about 12:17 p.m., Appellant was attempted to be interviewed by ICIB. The investigator was unsuccessful and she declined to be interviewed at that time. Her Union rep had arrived at the station and told her that she would be represented by the Union.

On the way to the hospital, Appellant was apparently contacted by legal counsel.

At 5:17 p.m., after being detained for four and a half hours, Appellant was once again read her Miranda Rights and agreed to provide a statement to the Department's criminal investigators from ICIB.

Appellant was put through the booking process but was not arrested and was released at that time for lack of sufficient evidence.

In July of 2012, Appellant was again interviewed but this time by IAB investigators.

After an administrative investigation, Appellant was discharged from her position as Deputy Sheriff and now appeals that discharge.

During her interviews with ICIB and IAB, Appellant variously claimed that she panicked and fired her weapon during this incident; that she feared for her life and thought [redacted] was coming back to attack her again; and that she had no other choice but to dissuade [redacted] by use of the firearm. Both shots missed. The firearm itself had never been registered with the Department nor had Appellant undertaken training in the use of that weapon.

SUMMARY OF RELEVANT EVIDENCE

Captain Gregory Lombardo was the Department's first witness and testified as follows:

He is a Fire Captain and an Emergency Medical Technician but not a paramedic. He and five firemen responded to a 3:00 a.m. call of an assault. He was there about 15 or 20 minutes. He documented care given by other fire personnel on an EMS form.

On arrival, he found a woman with blood on her face. Two of the paramedics treated and assessed the Appellant.

She was irate, angry and upset. She was yelling and swearing but calm in answering questions from Lombardo.

Appellant said "I hope I got that bitch" or "shot that bitch."

Appellant used the word "fuck" often and other profanities as well. He heard Appellant say that she got in a fight and shot at someone.

Back at the fire station, he saw [redacted] who said that they had been drinking and that there was a dispute over work areas. [redacted] got bit; got shot at; and ran.

[redacted] also used the word "bitch" and was angry and upset. [redacted] said that she was on top of [redacted] but ran when she saw the Appellant get a weapon. [redacted] and the Appellant all looked disheveled.

Lombardo did not smell alcohol on anyone that night.

He knew [redacted] from prior calls. There was no indication that the Appellant was drunk as far as he recalls.

He thinks the entire incident was "appalling."

Appellant did not want to go to the hospital.

This incident was the subject of considerable conversation at the fire station, discussing the fact that this was a "crazy scene" involving deputies fighting each other.

Chris Manzanares, a firefighter/paramedic, testified as follows:

He also responded to the incident with Captain Lombardo. At the scene, he heard Appellant say "I wish I would have shot that bitch." Appellant appeared to have a broken nose and she had an angry look. He had previously seen a disheveled [redacted] at the fire station before the call came in to which he responded. Manzanares could smell alcohol on [redacted] breath. He did not smell alcohol on Appellant at the incident scene. Manzanares testified that whether Appellant said "hit" or "shot", it was his understanding that Appellant was stating that she wished that she had hit [redacted] with a bullet.

He was about eight feet away from the Appellant when she made her statements at the incident scene, and he could clearly hear and see her. When he first walked up to the Appellant, he heard her say that she wished that she had shot "that bitch", in an elevated and angry voice. Appellant appeared angry but did not appear to be traumatized.

He knew [redacted] from prior calls in his work area. He had only one social contact with [redacted] before this incident, when a group went out together to a St. Patrick's Day celebration.

Mike Jones, also testified for the Department, as follows:

He is a firefighter/paramedic and also responded to this incident which was about one mile from the fire station. He has no social relationship with Myers.

On arrival, he noticed the Appellant with blood on her face and her clothes. He never spoke to Ms. [redacted]

Appellant said "___ kill that bitch." When he first arrived at the scene, he did not know that [redacted] was involved. Appellant also said "fucking" re "that bitch."

Appellant had a non life-threatening injury. She looked like she had been in some kind of

a conflict and she was agitated and uttering obscenities, including the words "bitch" and "fucking." He heard the Appellant refer to "that fucking bitch."

After returning to the fire station, they found [redacted] rambling. [redacted] said she had been out drinking. Her speech was "a little slurred" and her gait was "uneasy."

[redacted] said she heard a click which she recognized as the cocking of a gun, at which time she ran down the parking lot, and ran to the fire station. [redacted] said that she heard shots while she was running away.

At the fire station, [redacted] said that there had been a dispute about the other two women being from a different Sheriff's station.

He saw a bruise or abrasion on [redacted] face which was minor, but looked like it had been a bite on the cheek.

His only prior social contact with [redacted] was when they went out drinking with a group of other people to celebrate St. Patrick's Day once.

In the days and weeks after the incident, the fire personnel discussed it. It was "pretty severe" that three Sheriff's deputies got involved in a fight and there was the use of a weapon.

He got the impression from Ms. [redacted] that she felt that she might have done something wrong.

The next witness was Sheriff's Deputy **Gregoria Martinez**, who testified as follows:

She responded to a call of "shots fired" at La Mirada Park on October 14, 2011. She had been in the same Academy class as the Appellant in 2004. She had been a co-worker of [redacted] but knew her only casually. She does not know [redacted]

The parking lot was well-lit. There was a gun on the ground, and Appellant said that [redacted] beat her up and she (Appellant) shot at [redacted] The gun had been in the glove compartment of [redacted] car and it took Appellant about five minutes to get it open.

Appellant said that after the shooting, Appellant ran away.

Appellant was intoxicated and smelled of alcohol; she slurred her words; was staggering and needed help in walking. She was also bleeding a lot from her nose.

She spoke to the Appellant for approximately 20 minutes. Deputy Martinez also spoke to [redacted] who said that she had tried to stop the fight and wound up under [redacted] was not intoxicated but smelled of alcohol.

The Appellant was on the scene of the incident for three to four hours. Appellant fell asleep.

The glove compartment containing the gun was locked.

[redacted] was eventually charged with violation of Penal Code Section 243d (battery with great bodily injury). This incident was the subject of talk at the patrol station and people gossiped about it as well as read about it.

Deputy Martinez opined that one does not need a weapon for deadly force. Hands suffice.

Appellant said it took her approximately five minutes to get the gun, and she also said that she shot at [redacted] twice and at that point [redacted] ran away.

Appellant was visibly intoxicated, slurring her words and had a strong smell of alcohol. She was also staggering and unsteady. She needed help to get to a patrol car.

Martinez described [redacted] as being calm and although she smelled of alcohol and her eyes were a little red, [redacted] was not slurring her words. [redacted] claimed that she could not remember much about what happened.

Deputy Martinez requested medical treatment for Appellant and the Fire Department responded at about 3:30 or 3:40.

Martinez could not tell if the Appellant was slurring her words due to a medical problem or from intoxication. The Appellant was crying, was upset and shaken up.

Martinez testified that Appellant told her that Appellant went to Ms. [redacted] vehicle to get a weapon. There was nothing said by the Appellant about trying to get a cell phone in order to call for help.

Appellant also told Martinez that the car's glove box was locked and that she had a hard time getting the gun. Eventually, she found the key and was able to open the glove box.

Martinez never heard Appellant say any words to the effect that she wished she had shot

"that bitch."

Deputy Christopher Trujillo also testified for the Department, as follows:

He knew [redacted] at the Sheriff's station as a fellow deputy but they never socialized. He was in the same Academy class as Ms. [redacted] in 2001.

He responded to this incident and remained at the scene for 12 hours (because officers were involved).

[redacted] repeatedly said "I don't know what happened" and she denied knowing of gunshots. Trujillo felt that [redacted] was appearing "reluctant" to say anything.

There was a strong odor of alcohol on [redacted] and she had somewhat slurred speech.

The Appellant refused any medical treatment or transport to a hospital.

The damage to Appellant's face seemed serious to him. A Sergeant Mayburry telephoned him and instructed him not to search the civilian vehicle.

At one point, Appellant did not seem angry but she was distraught and crying.

Thomas Laing was the next witness for the Department. He testified as follows:

He was the decision maker in this case.

He retired after 35 years on the force. He was the Chief of Southern Patrol Division. The Appellant was serving at the East L.A. Sheriff's Station.

Before his decision in this case, he reviewed the investigative documents, including the criminal documents and the reports of the ICIB in its criminal investigation, and the IAB in its administrative investigation.

Chief Laing recommended discharge in this case because of Appellant's lack of self control in temperment, and the use of a gun.

He found that there was no immediate threat to the Appellant. The Appellant said "she thought" [redacted] was coming after her. There was no threat that justified the use of deadly force. Moreover, afterward, Appellant said "she should have shot that bitch."

Alcohol in the blood prevents use of reasonable care in this matter.

Appellant's first shot might be justified but not the second. Appellant couldn't see, she just shot.

The backdrop of this incident was a civilian neighborhood. There was potential for killing someone. A bullet can travel a mile or more.

Appellant was not familiar with her off-duty weapon. She had not trained with it.

Chief Laing conceded that Appellant had no prior discipline and that she had been a good deputy.

With regard to self defense, use of the gun was still not justified in this case. Appellant claimed that [redacted] was the aggressor. Even so, use of a weapon was inappropriate.

This incident proved to be an embarrassment to the Department. It resulted in significant news stories. Chief Laing also considered the Appellant's statements after the incident. The entire matter could have been even worse.

Appellant's actions were more important than her mind set. Use of deadly force requires an immediate threat of death or great bodily harm.

Appellant did warn [redacted] to get off of [redacted] got up and didn't pose an immediate threat. None of the injuries was an immediate threat. The violence had ceased.

Appellant's breathalyzer test read 0.157.

The next witness was **Deputy James Velasquez**, who testified as follows:

He was assigned as a Patrol Deputy at the Sheriff's Norwalk Station. He knew [redacted] as a fellow deputy at Norwalk.

He responded to a call about a shooting and arrived at the park at approximately 3:10 a.m. He remained at the scene for about 11 hours because this was a deputy-involved shooting.

He is certified in drug recognition testing. He performed Preliminary Alcohol Screening (PAS) tests with a portable alcohol screening device. Hile was found to be at 0.09% at 5:44 a.m. The Appellant was at 0.15% at 5:46 a.m. He determined that both Appellant and Ms. [redacted] were probably under the influence.

Mario Cantacessi was the next Department witness. He testified as follows:

He has been with the County Fire Department for 28 years and has been a paramedic for 25 years.

He responded to this incident and determined that neither woman at the scene required medical attention. Both were disheveled, however.

He heard the Appellant say "that fucking bitch." She was loud and angry, and repeated the obscenity more than once. A broken nose is considered a minor injury. In this case, there was no request for medical care by either of the women.

He can't recall the intoxication levels. When he returned to the fire station, [redacted] was there looking disheveled, as though she had been in a fight. There was a scratch on her face. She did not appear intoxicated. [redacted] said that someone shot at her while she was running. [redacted] was crying and close to hysterical.

This whole incident was discussed at the fire station. Other shifts learned of the incident also.

Cantacessi heard Appellant say a number of things, including "that fucking bitch" and "fuck that fucking bitch." She also said something about "my substation" and "her substation." He described the Appellant as angry and speaking in a loud and forceful manner, using profanity two or three times. She also said words to the effect that she was "East L.A." and that the other station was "not shit."

When he learned that all three of the women involved were off-duty Deputy Sheriffs, he thought this was "pretty wild", and he was "shocked", thought it "crazy" and "how odd it was." It was a very unusual incident that they found hard to believe. It was also discussed on other shifts at the fire station.

[redacted] never said who started the fight but she did say that someone said "I'm going to kill you." He did not actually treat the Appellant or Ms. [redacted] at the scene.

He explained that on the EMS form, the box beside ETOH was checked, which means that alcohol was suspected. Appellant's form indicated that she was alert, oriented and cognizant

of surroundings. The ETOH means that a person was suspected of being inebriated and not sober, and not simply that they had a beer.

Carl Anna also testified, as follows:

He is a detective with the Department and a traffic specialist. He tested Appellant two times on October 14, 2011, at 12:27 p.m. and 12:30 p.m. (approximately nine and a half hours after the 3:00 a.m. incident). The reading both times was 0.04%. The legal percentage is 0.08%. This is reflected on the Department's Exhibit "T."

Appellant did not object to the test and was cooperative.

Sergeant Michael Harding was the next witness, who testified as follows:

He has been with the Department for 27 years and has been a Sergeant for 10 years. He supervises the Tactics and Survival Training Unit, the focus of which is on the use of deadly force and officers' safety tactics and officers' survival.

Both Federal law principles and the Department's expectations concerning use of force are applied and used off-duty. The only difference is that when an officer is off-duty, there are certain limitations because the officer does not have access to certain equipment, such as protective gear, taser, and OC spray. Otherwise, the Department's use of force policy is the same whether on-duty or off-duty. Using a firearm always constitutes deadly force.

Sergeant Harding reviewed the investigative materials, including the interviews conducted by both ICIBand IAB, as well as the complaint report, medical records, photographs and other materials.

He reviewed Appellant's training records, including numerous force and weapons classes attended by her.

After his review, Sergeant Harding opined that there was no imminent threat presented by [redacted] when Appellant used her firearm against [redacted]

This is true even if the Appellant had previously been assaulted by [redacted] The record reflects that Appellant disengaged and claimed that she took some time looking in the car for her

telephone. Then Appellant got a firearm from the car. By this time, Appellant could have de-escalated any assault.

Notwithstanding that Appellant may have perceived [redacted] as stepping toward her, Appellant nonetheless fired two rounds. At the time she fired the second round, Appellant admitted that she wasn't sure where [redacted] was or if [redacted] was running away. Consequently, there was no imminent threat.

Harding testified that he took note of the fact that Appellant was not sure what [redacted] was doing at the time she fired the shots. Appellant did not state facts which would demonstrate that the use of deadly force was necessary in this situation. No such justification was contained in either Appellant's ICIB or IAB interviews. In Harding's opinion, Appellant failed to articulate a threat of imminent harm with respect to the first shot as well as the second shot. In Appellant's ICIB interview, Appellant indicated that when she shot again, [redacted] was probably running away. If a person is already fleeing, there is no justification to use deadly force.

Harding also noted that Ms. [redacted] told Appellant to put the gun down. This indicated that [redacted] did not feel that there was any imminent threat. A few seconds that had lapsed between the first and second shots gave time to perform an effective assessment of the situation but Appellant did not do that here.

Officers are told that when they are involved in an off-duty situation, they should disengage if possible and be a good witness.

It is not enough that Appellant said that she saw [redacted] coming toward her. In order to justify her actions, Appellant was required to articulate what happened and the actions necessary to support the use of deadly force. There was no such articulation with regard to a second assault on Ms. [redacted] and the actions she observed.

In Harding's opinion, even if [redacted] was closing the distance between them, there was nothing indicating an immediate assault or threat. Neither Appellant's fear nor any description of [redacted] actions constituted articulating an imminent threat to either Appellant or [redacted]

The Appellant called the following witnesses to support her case:

Meghan Kennedy was the first witness called by the Appellant. Ms. Kennedy is an EMT with an Ambulance Service in La Mirada. She arrived on the scene and treated a person with a bloody nose, and she understands that was the Appellant. She knows nothing of Ms. [redacted] and no one was transported by ambulance.

Ms. Kennedy described the Appellant as being calm and she doesn't know if Appellant had previously been shouting profanities before Kennedy arrived.

The next witness for the Appellant was her attorney, **Richard Shinee**:

Attorney Shinee is the Senior Partner in the law firm of Green and Shinee. That firm also includes Appellant's Hearing Attorney in this matter, Dale Nowicki.

Attorney Shinee testified on direct but attempted to assert attorney-client privilege and refused to answer any questions on cross-examination. The Department brought a motion to strike Mr. Shinee's testimony in its entirety because of Mr. Shinee's refusal over this Hearing Officer's ruling that the attorney-client privilege had been waived.

That ruling is reiterated here excepting only for the fact that Mr. Shinee spoke to the Appellant on the day of the incident and when she was still at the scene of the incident.

The **Appellant** testified as follows:

She has been with the Sheriff's Department and was a clerk secretary for three years and thereafter a Deputy.

The incident which is the subject of this case occurred during the early morning hours of October 14, 2011. Earlier that evening, Appellant met her friend [redacted] also a Deputy, at a bar called Mr. V's. They were later joined there by Deputy [redacted] at approximately 10:30 p.m. [redacted] and the Appellant got to the bar about 10:00 p.m. and [redacted] joined them there at about 10:30 p.m.

Appellant testified that she had approximately one and a half glasses of wine at the first bar and then they proceeded to a second bar, JT's, where she had three more drinks, vodka-mixed drinks.

After leaving the second bar, Appellant testified that [redacted] was driving [redacted] car in an erratic way and at excessive speeds. She became scared and very nervous. [redacted] told her to shut up when Appellant objected to the driving. Appellant testified that she called a friend and asked him to pick her up at a park.

The car stopped at a parking lot outside of the La Mirada Gymnasium. When she asked [redacted] what she was doing, Appellant claimed that [redacted] told her to shut up and then hit her in the face more than once.

[redacted] threw Appellant to the ground and straddled the Appellant. Appellant testified that she hit her head on the pavement and lost consciousness.

She also testified that she is approximately 5' 3" and weighs 110 pounds, and that [redacted] is 5' 6" or 5' 7" and weighs about 140 to 150 pounds.

In addition to straddling the Appellant, she held Appellant's hands and was also hitting Appellant's head with her first. Appellant lost consciousness again. Appellant described herself as being "shocked and trapped", and she could not breathe. [redacted] also covered Appellant's mouth. Appellant testified that she believed that she would die. There was no evidence as to how she extricated herself, but she then testified that [redacted] and [redacted] were on the ground rolling and fighting and Appellant crawled toward the car in order to get help. She could not locate her cell phone.

She remembered that she had a gun in the locked glove compartment but had difficulty finding the keys. She testified that she believed that [redacted] would beat [redacted] up and choke her or kill her. It took approximately five to 10 minutes for Appellant to unlock the glove compartment and retrieve her pistol.

She claimed to have taken the gun out and walked a couple of feet but then began to lose consciousness and felt dizzy. She told [redacted] to get off [redacted] and she pointed the gun at [redacted] and sat on the ground. She claimed that [redacted] then jumped off [redacted] and came toward her (the Appellant) [redacted] told the Appellant that she (Appellant) was not going to shoot, and Appellant felt that [redacted] would possibly attack and take the gun away from Appellant and use it.

She fired the gun and intended to shoot it at [redacted] when she fired. She claimed to have fired one shot right after the other. After she fired the shots, [redacted] ran away. At that point in time, [redacted] told the Appellant to put down the gun. [redacted] suggested that they leave the scene but Appellant refused to do so. At about this time, uniformed Sheriff's Deputies arrived.

Fire Department personnel also arrived at the scene. Appellant claimed that she made no statements to the firemen and they only asked her name.

Appellant denied ever saying that she wished that she had "shot that bitch" or words to that effect. She described herself as being "frustrated" but not "angry." She also claimed that the firemen asked if she wanted to go to the hospital but she declined because she had already been told by a Captain Romero to decline.

Subsequently, she was taken to a hospital where she complained of nausea and pain, and she was told that she probably had concussions. She also had a broken nose. While still at the scene, she was ordered to take a breathalyzer test and had no choice.

She was later taken to the Norwalk Sheriff's Station and left alone for some time and then had a conversation with an ALADS representative. Sergeants Hanson and Tobin from ICIB came but she refused to speak to them. She told them she had an attorney. At some point, Sergeants Tobin and Hanson said that they would arrest her, and when she asked "why", she was told that nobody was talking and it was necessary to arrest her. Tobin and Hanson later told her that she was not being detained and they put her "on the clock."

A Captain Romero advised her to speak to ICIB in order to avoid arrest. She was confused and in a state of shock. She decided to speak to the Sergeants but she could not remember everything.

When she went to the car, it was for the purpose of looking for her cell phone but she took the gun because it was the "last resort." She believed that this was the only way to help [redacted]

Appellant denied ever hitting [redacted] at any time.

In her ICIB interview, however, Appellant said that she had fought with and hit [redacted] (Department's Exhibit "F", page 19).

Appellant couldn't recall if she ever told [redacted] to shut up but in her interview, she told the ICIB investigators that she told [redacted] to "shut the fuck up" (Department's Exhibit "F", pages 8-9).

In her testimony at this Hearing, Appellant stated that [redacted] was driving the car but when she was interviewed by ICIB, she said she was uncertain as to whether [redacted] or [redacted] was driving (Department's Exhibit "F", page 8). During the night of this incident, Appellant admitted drinking about five drinks (one and half glasses of wine at the first bar and three mixed vodka drinks at the second bar). She did feel a buzz after leaving the second bar and felt the effect of the alcohol. [There is some confusion in the record as to whether or not Appellant said that she was "intoxicated" or "not intoxicated"]. When she was breath-tested at 5:46 a.m., her reading came back as 0.157%. Later at 12:27 p.m., she was again tested and her reading came back as 0.04%. Despite this amount of alcohol, Appellant stated that she didn't believe it was dangerous to use a firearm under these circumstances. Appellant admitted that [redacted] told her [Appellant] to put the gun down. Appellant denied, however, that [redacted] said this before the first shot was fired. In her ICIB interview, however, Appellant stated that [redacted] told Appellant to put the gun down before [redacted] got off [redacted] and walked toward the Appellant, and the shots were fired (Department's Exhibit "F", pages 9-10).

The weapon in question was Appellant's off-duty gun. Appellant had never been trained in this weapon and it was not registered with the Sheriff's Department.

Appellant testified that [redacted] was approximately five to eight feet away when Appellant fired the first shot. Appellant denied seeing [redacted] run away after the first shot. This is not consistent with Appellant's statements to ICIB (Department's Exhibit "F", pages 27, 44 and 45-46). [READ]

Appellant admitted that [redacted] never said that she would kill the Appellant or Ms. [redacted] or that she would take the gun away from Appellant, and [redacted] never reached out to take the firearm from Appellant.

Despite being attacked by [redacted] the Appellant denied being angry with [redacted] She claimed that her initial dispute with [redacted] was because of the way [redacted] was driving. Appellant

denied that there was any argument about different patrol stations or about a man. She admitted, however, that at some point [redacted] said that a guy was not worth it.

Despite testifying that she was not angry with [redacted] Appellant admitted that she had hoped to hit Ms. [redacted] when firing the gun.

Appellant denied referring to [redacted] as a "fucking bitch." She also denied telling the Fire Department personnel that she wished that she had "killed" or "hit that bitch."

Appellant denied that her conduct had brought the Department into disrepute. She blamed [redacted] for everything and claimed that she [Appellant] acted in self defense and used a gun as a last resort.

Appellant was unclear as to where [redacted] was when the shots were fired.

Appellant claimed that she believed that [redacted] might have killed her or [redacted] When interviewed by IAB, Appellant stated that she was concerned about [redacted] threat to "kick her ass" or "kick [redacted] ass." (Department's Exhibit "G", pages 34-35).

Appellant asserted that she told IAB that [redacted] said to put the gun down only after the shots had already been fired.

Appellant also claimed that [redacted] had been dating one of the responding firefighters, Chris Manzanares.

Appellant defined getting one's "ass kicked" as being severely beaten up and resulting in bodily harm.

When insisting that [redacted] told her to put the gun down only after the shots had been fired, this was inconsistent with her testimony during her IAB interview (Department's Exhibit "G", pages 38-39).

In addition to her testimony at this Hearing, a transcript of Appellant's testimony on the same day of the incident with the Sheriff Department's Internal Criminal Investigation Bureau was in evidence as the Department's Exhibit "F." [1]

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[1] Appellant initially declined to be interviewed by the ICIB investigators just after noon on the day of the incident.

She subsequently agreed to be interviewed at 4:27 p.m. (also on the day of the incident).

During this interview, Appellant stated that nothing had been promised to her in exchange for her agreeing to make this statement, and no one threatened her if she refused to make a statement. She was read her Miranda Rights.

With the exception of a two hour nap, she had been awake for almost 24 hours at the time of this interview.

[redacted] was her friend but she did not know [redacted] very well at all.

She was originally unsure whether [redacted] or [redacted] drove after they left the second bar, but later concluded that it must have been [redacted] The driving was crazy. [redacted] and [redacted] got into an argument about the driving and when they stopped the car, Appellant got out and tried to calm the situation but then told [redacted] to shut up, and [redacted] hit the Appellant, and a fight between Appellant and [redacted] ensued with [redacted] on top of the Appellant on the ground. [redacted] grabbed [redacted] and threw her off the Appellant and then [redacted] and [redacted] started fighting.

Appellant claims to have gone to the car looking for a phone but couldn't find it. Appellant panicked and finally found a key to the car's glove compartment where she had placed her off-duty weapon. She got the gun and told [redacted] to get off [redacted] said "put the gun down" and [redacted] jumped off.

Appellant thought [redacted] was going to be running toward her (Appellant) and she fired her shot. She didn't know where she shot but she shot towards [redacted] Appellant stated that she "...didn't know what to do. I couldn't find my phone. I couldn't find anything. And that's...I was scared. You know, I really thought that she was gonna kick her ass. She had already...I was bleeding, and I didn't know from where she had pounded my...when she had me on the ground, she grabbed my head and hitting it on cement in the back." At some point, she may have blacked out.

At the first bar (Mr. V's), she had two glasses of wine. At the second bar, she had a mixed drink of vodka. She said she had about two, for a total of four drinks. Then, at the second place, she had maybe two or three drinks. So she had about five drinks between 10:00 p.m. and 2:30 or 3:00 a.m. the next morning. About five hours.

Before going out that night, she only ate three quesadillas.

She felt the buzz from the drinks but was not drunk.

After [redacted] punched her, she grabbed [redacted] and started hitting her back. At that point, [redacted] threw her to the ground. Appellant was bleeding and couldn't see.

She was pissed off at the way [redacted] had been driving. Everything was so blurred because [redacted] had socked her in the face. [redacted] held her down and hit her again on the ground. [redacted] grabbed [redacted] and pushed her off of the Appellant.

Appellant did not bite [redacted] and she kept saying to [redacted] to get off of her.

When [redacted] later jumped off of [redacted] and jumped toward Appellant, Appellant shot "...because I thought she was gonna come towards me." [redacted] was probably five or ten feet away from Appellant.

After Appellant shot once, [redacted] got up right away and came over and told Appellant again to put the gun down.

Appellant first testified that her second shot occurred right after the first shot.

[redacted] told her to "put the gun down" and [redacted] was saying "You're not gonna shoot me. Right?" [redacted] was still on top of [redacted]

Appellant pointed the gun at [redacted] but Appellant doesn't know where she shot because she always has a hard time with her first trigger. At first she thought she hit [redacted] but then she saw [redacted] run away. It was at that point that she shot again for a second time. When asked why she shot at [redacted] when [redacted] was running away, Appellant stated "...because she [redacted] was still moving. I didn't know if she was going to come toward me, or she was running totally away from us."

Appellant was "pretty pissed" when she got punched. She was also "fucking scared." Appellant was literally bleeding from her face and couldn't really even see straight. Also, it was dark out there and Appellant could barely see [redacted]

[redacted] did not advance towards Appellant that much before Appellant fired.

Appellant defined the time when deadly force can be used as "when your life is threatened and you feel like you're seriously gonna be bodily injured and hurt, or you get killed." She agreed that it can be used when there is a potential for great bodily injury or death, whether

it be to her or somebody else.

It was dark and she didn't know where [redacted] went after the first shot. When she saw [redacted] again, she shot again.

[redacted] told Appellant to put the gun down one time, and then said it again after all the shooting was over.

When asked if she saw [redacted] like a cut-out seen during target practice, she states:

> "I'd seen her like right there, but I don't, I don't know if she was charging me or something. I just shot again because I wasn't sure if she was coming towards me. I saw her shadow. Not even her shadow. I saw her body, but like it wasn't a clear, like your view of her face or what she was really doing, because I was bleeding. My face was full of blood."

She couldn't tell what direction [redacted] was facing. She could have been facing away from Appellant.

It's possible that [redacted] was running away when Appellant fired. When asked if it was wise to take that second shot, she said no:

> "Because I didn't see her like, like charging me. I didn't see her actually walking toward me, like the first time."

Because of the drinking, she would not have driven a car that night herself.

When asked if she had consumed too much alcohol to drive, whether it was wise to use a firearm at the same degree of alcohol, she responds:

> "At the moment, I didn't think about that, that moment because I was scared. I was bleeding everywhere. And I was losing conscious [sic]. And I couldn't find the phone. And I really didn't know what was happening. I was really scared she was coming towards me again...."

She doesn't think any of the three women were under the legal drinking limit to drive. They were all equally intoxicated.

She recommended to the investigators that they talk to [redacted] because [redacted] "saw everything."

The final witness was [redacted] who was called by the Department but appeared under subpoena and was questioned as an adverse witness under Section CCP 776.

She testified as follows:

She wants to testify in this Hearing. She is not a friend of the Appellant now although they had been friends for four or five years and she had been a friend of [redacted] for the same amount of time. She has seen the Appellant only once since this incident.

At the end of her testimony, she indicated that she thought someone had drugged her the night of this incident.

She claimed not to recall many details of the incident. She did not remember there being any argument in the car after they left the second bar.

She did not recall [redacted] striking, punching or hitting her (or vice-versa) on the night of the incident. Still, she described [redacted] as "crazy" and wanted [redacted] to stop fighting with her. She admitted that she did not believe that [redacted] was trying to kill her but trying to hurt her.

She remembers hearing a "pop" and [redacted] running away.

During the incident, [redacted] had her hands in [redacted] hair and [redacted] head also hit the pavement. The next thing she remembers was hearing the "pop" and [redacted] leaving the scene. [redacted] also admitted that she never told IAB that [redacted] had slammed her [redacted] head on the ground.

[redacted] reiterated that she heard the "pop" when [redacted] was still straddling her. She also told this to IAB. Notwithstanding her "lack of recollection" [redacted] claimed that Appellant's actions stopped the assault by [redacted]

On the night of the incident, she had at least one drink. She doesn't know how many drinks Appellant may have had. She doesn't know who drove to the second bar.

[redacted] injuries after this incident consisted of a cut on her chin and scrapes on her arms. According to her, none of the firefighters or paramedics asked if she needed medical attention.

Ms. [redacted] was interviewed by IAB on July 31, 2012. About three weeks before that interview, [redacted] accidentally ran into the Appellant at a mutual friend's home. Prior to that

meeting, [redacted] had learned only from another deputy sheriff that shots had been fired during this incident. It was at that meeting that [redacted] first learned that Appellant fired in the direction of [redacted] during the incident. [redacted] was "stunned" and told the IAB investigators that she [redacted] would not have done this. It was only at this meeting with Appellant that she realized she could have been injured by the shooting. During that meeting, Appellant said she used the gun because she thought that [redacted] was dead.

On the Saturday night following the incident, she was treated at Long Beach Memorial Hospital for a concussion.

Notwithstanding her lack of recollection, she also testified that she saw [redacted] on top of Appellant and could see blood and the fact that Appellant was injured. [redacted] tried to stop the fight but [redacted] ended up on top of [redacted] instead.

[redacted] reiterated that she heard the "pop" when [redacted] was still straddling her.

[redacted] never heard [redacted] say that she would kill [redacted] or the Appellant, and [redacted] never heard [redacted] tell the Appellant that she [redacted] would take the gun away from Appellant or shoot Appellant. [redacted] never saw [redacted] try to take the gun away.

[redacted] does not have any medical evidence supporting her theory that she had been drugged that night.

She took a breathalyzer test at 7:12 a.m. and the testing came back as 0.08%, about three hours after the incident.

[redacted] cannot recall who drove her car from the second bar to the La Mirada Regional Park. Appellant and [redacted] were arguing at that time and [redacted] ended up on top of the Appellant. She doesn't know the reason for their argument.

[redacted] does not recall deputies arriving at the scene.

Her later meeting with the Appellant lasted four or five hours.

[redacted] does not remember telling Appellant to put the gun down during this incident.

[redacted] did not feel that this was a life-or-death situation at the park. She felt she was about to be hurt, not killed.

She doesn't recall saying that they should leave the scene after the incident ended.

She required medical attention because of nausea and feeling that she was going to pass out. At their meeting, the Appellant said that she pointed a gun in [redacted] direction and fired. [redacted] was stunned when she heard that. She told IAB that she [redacted] would not have done that. After the incident when she heard that shots were fired, she had been under the impression that they were just warning shots.

She thinks Appellant's actions stopped the assault on her [redacted]

Appellant was also interviewed by Internal Affairs Bureau (IAB) on July 23, 2012. At that time, she stated the following, in part:

At Mr. V's Bar, she stayed for about an hour and first stated that she had one glass of wine. She then stated that she drank one glass and ordered a second one but didn't finish the second one. She did not feel impaired at all.

At the second bar (JT's) she had two mixed vodka drinks [She was previously unsure].

When they left JT's, Myers was driving [redacted] car. [redacted] did not seem too impaired to drive to her (Appellant).

She met [redacted] in about 2007 and has remained good friends with her ever since. They talk about every two weeks and when they see each other, they grab a bite or lunch together. Other times, they go out at night and have a couple of drinks.

None of the three was drunk when leaving JT's. She did feel "buzzed" but not to the point where she was slurring or not walking correctly. [She previously said that they were all pretty much drunk].

[redacted] was driving around in circles and driving kind of fast but wouldn't answer Appellant asking "What's going on?" or "Where are we going?" At one point, [redacted] told [redacted] to "just pull over" and [redacted] pulled over into the park. Appellant thought that [redacted] was going back to where [redacted] had parked and left her own car earlier in the evening.

While they were still driving in the car, an argument started between [redacted] and Appellant and [redacted] said something like "Shut the fuck up." At the park, Appellant said "No, you shut up" as they got out of the car.

They exchanged words and [redacted] said she was going to "kick my ass." Appellant said she was not afraid and they went around for a little bit and then [redacted] punched Appellant in the face. [redacted] hit Appellant one more time and then threw Appellant down to the ground. [redacted] then straddled Appellant and Appellant said that she lost consciousness. She was bleeding a lot and had blurred vision, everything was fuzzy and Appellant didn't know if she had lost consciousness when she first hit the ground. She recalls hitting her head.

There was some discussion between [redacted] and [redacted] where [redacted] said something like "he's not worth it, [redacted] [but this is unintelligible in this record]. Appellant said something like "I'm not going to fucking fight over a fucking guy, get the fuck off of me" to [redacted] who then hit Appellant again and told her to shut up.

At some point, she assumes that [redacted] pulled [redacted] off of Appellant. At that point, [redacted] and [redacted] were on the ground fighting. [redacted] said to "call somebody" and [redacted] and [redacted] were on the ground rolling over and over.

Appellant went over to the car and sat in the driver's seat. It was dark, and she couldn't see because she was bleeding, and her eyesight was blurry. She couldn't find the phone. She remembered that she had a gun in the glove compartment. She didn't know what else to do because she thought that [redacted] was going to kick her [redacted] ass and then "probably come kick and kick my [Appellant's] ass." Appellant had forgotten to leave her off-duty gun at home and therefore left it locked in [redacted] glove compartment.

When she goes out drinking, she does not normally take her gun with her.

[It was never exactly clear where the key to the glove compartment was.] Appellant was looking for the key and panicked, she couldn't find it, and then somehow she managed to find the key and then couldn't open the glove compartment.

Appellant said she was shaking or panicking. She finally got the gun and walked out of the car toward [redacted] but didn't make it. She stated that her knees were shaking and she was losing consciousness and she just fell on the ground and sat down. [redacted] was on top of [redacted] the way she had been previously on top of the Appellant. She pointed the gun at [redacted] and told her to get off, and [redacted] said something like "You're not going to shoot." [redacted] said something like "Put

the gun down, put the gun down." [This was before the first shot, page 38 of IAB interview.]

Appellant told [redacted] again to "get off of her" two or three times and then she finally saw [redacted] jump off of [redacted] coming toward her (Appellant). [redacted] was five or ten feet away from Appellant but it was so dark there that she really couldn't tell. [redacted] looked like she was going to come after Appellant and Appellant aimed and fired [the first] shot. She was aiming to shoot [redacted] and she thought that she had hit her. She next saw [redacted] a foot or two away. Then, she's unsure exactly how far away [redacted] was because "it was so blurry." It wasn't that far off from where she had shot the first time. She shot a second time and "after that, maybe [redacted] ran." [page 41] [redacted] came over and told Appellant that "It's OK" and once again said "Put the gun down." [This is after the second shot.]

When asked if [redacted] saying "Judy, put the gun down" wasn't telling Appellant that [redacted] was OK and you didn't need to shoot at [redacted] Appellant said she didn't take that as the meaning.

When asked what was going through Appellant's mind when she heard [redacted] say "put the gun down" (so [redacted] was able to talk and relay to you that she was OK), and Appellant is asked: "What was your perception that you felt you needed to use deadly force?"

Appellant responded: "That [redacted] was, she was a mad person, she was angry, she was out of control and obviously she was being, not being controlled or she had already beat me up and she was already beating her friend, and I just didn't think [redacted] was in her state of mine to know that [redacted] was out of control. She was a mad, she was out of rage." [page 42]

Appellant repeated that it was dark in the park.

Appellant said that she was unable to punch [redacted] back and [redacted] was holding Appellant's arms down.

Appellant met with [redacted] about two weeks prior to this IAB interview and [redacted] said that she doesn't remember a lot of stuff about the incident.

At some point, Appellant believed that [redacted] was coming toward her and about the same time [redacted] was telling Appellant "put the gun down." [redacted] had just jumped off of [redacted] so

Appellant thought that [redacted] was coming after her (Appellant). Appellant thought that [redacted] was going to finish beating her up or finish doing what she was doing. Appellant felt that she had no other choice; she felt she had no other way of protecting herself from getting more hurt, or getting killed.

DISCUSSION

The Department, as the moving party, has the burden of proving its claims or allegations by a preponderance of the evidence. "Preponderance" of the evidence has been defined as 51% or more in favor of the establishment of a particular fact or position. It is a balancing test, of sorts. In addition to ***quantity*** of evidence, however, the legal concept of "preponderance" of the evidence also takes into account the ***quality*** of evidence offered. It is here that ***credibility*** plays an important part.

To the extent that the Appellant raises new matters or affirmative defenses in response to the charges, the Appellant would have the burden of proof with respect to such affirmative defenses.

The basic facts of the case seem quite straight-forward at the beginning but take some turns and get quite complicated on further analysis.

A very brief re-summary of the facts of the case are as follows:

Appellant and two other off-duty female deputy sheriffs went out for a night of drinking at two different bars. For reasons never quite clear, on leaving the second bar, a verbal altercation erupted between the Appellant and Deputy Sheriff [redacted] That verbal altercation subsequently turned into a physical altercation first involving [redacted] against the Appellant and then [redacted] against the second Deputy, [redacted]

While [redacted] was engaged with [redacted] in a tussle on the ground, Appellant retrieved a pistol from the locked glove compartment of the car all three had been riding in. Appellant first

[2] Deputy [redacted] did not appear as a witness in this case.

warned [redacted] to stop fighting with [redacted] and then fired two shots from the pistol.[3] Neither [redacted] nor [redacted] were hit and [redacted] ran away from the scene. As a result of her physical altercation with [redacted] the Appellant suffered a broken nose and blood from this injury covered her face and impaired her vision.[4]

While Appellant claimed to have suffered a concussion and chest injuries in the attack by [redacted] the record herein reflects only a broken nose.

Appellant claims to have fired the pistol solely in self defense. The gist of the case is whether or not the use of deadly force was an act of justifiable self defense or not.

Subsequent to the incident, Appellant was arrested (but not ultimately charged) with assault with a deadly weapon, the pistol.

Deadly force can be justified only by an imminent threat of death or great bodily harm. Appellant claimed that she "feared" that [redacted] would turn on her again and that she (Appellant) might suffer great bodily harm or even death.

Appellant stated that the parking lot where the incident took place was quite dark.

The record in this case does not support a finding that Appellant was actually in imminent danger of suffering great bodily harm or death.

An overview of this drunken brawl leads to the conclusion that Appellant fired the gun in anger and without being able to clearly designate the intended target, [redacted]

On the same day of the incident, Appellant was interviewed by investigators from ICIB. At that time, Appellant admitted the following:

1. When Appellant shot at [redacted] Appellant did not know if [redacted] was charging at her or not (Department Exhibit "F", ICIB interview, page 44).

2. Appellant shot a second time because she was not sure if [redacted] was

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[3] If [redacted] heard the pistol fired when [redacted] was still on top of her (as she claims), it would indicate that [redacted] was not advancing on Appellant and that there was no imminent threat to Appellant.

[4] Both the Appellant and Deputy [redacted] had the same law firm representing them as a result of this incident. Because of the possibility of conflict of interest, both Appellant and [redacted] were asked on the record to waive any conflict, which they did.

coming toward her and only saw [redacted] shadow (Department Exhibit "F", ICIB interview, page 44).

3. Appellant could not tell if [redacted] was facing her when she shot at her for the second time (Department Exhibit "F", ICIB interview, page 44).

4. Appellant admitted that she did not see [redacted] charging her or actually walking toward her when she fired the second shot (Department Exhibit "F", ICIB interview, page 46).

5. Appellant admitted that she shot at [redacted] while [redacted] was running away (Department Exhibit "F", ICIB interview, page 27).

6. Appellant saw [redacted] and [redacted] wrestling on the ground (Department Exhibit "F", ICIB interview page 16), and Appellant claimed that she believed that [redacted] was "gonna kick [redacted] ass" (Department Exhibit "F", ICIB interview, page 10).

7. Appellant could barely see [redacted] since Appellant was "scared" and she "panicked." (Department Exhibit "F", ICIB interview, page 30).

8. Appellant believed that she, [redacted] and [redacted] were all "equally intoxicated" during this incident (Department Exhibit "F", ICIB interview, page 47).

9. After dealing with [redacted] Appellant thought that [redacted] would "probably come and kick [Appellant's] ass" (Department Exhibit "G", IAB interview, pages 34-35).

10. [redacted] told the Appellant to "put the gun down" (Department Exhibit "G", IAB interview, page 38).

11. Appellant actually aimed the gun at [redacted] and was trying to shoot [redacted] (Department Exhibit "G", IAB interview, pages 39-40).

12. Appellant couldn't remember exactly where [redacted] was prior to the shooting. She admitted, however, that the second shot was "not wise." [This seems like an understatement in light of the poor lighting in the parking lot and the amount of liquor that had been consumed.]

The physical confrontation described by Appellant amounted to a drunken brawl. Appellant's blood alcohol level several hours after the incident was 0.157, or roughly twice the legal limit for intoxication. The drunken brawl was a fist fight. Appellant chose to bring a gun to a fist fight and stated no legal basis for doing so. Appellant may have gotten hurt in the fight but this was not a deadly attack that would justify using deadly force as she did. Appellant had the right of self defense during this incident but not to the use of deadly force. In her state of intoxication and impaired vision, she was lucky not to have killed either [redacted] or [redacted] or both.

The lack of an imminent threat of death or great bodily harm is also shown by [redacted] statements. While still engaged in a physical confrontation with [redacted] and rolling around on the ground, she told Appellant to "put the gun down" when Appellant approached the scene with the gun. [redacted] repeated that statement to "put the gun down" after [redacted] fled the scene.

This shows that in [redacted] mind, there was no need for deadly force even though she was engaged in physical combat with [redacted]

Equally important is the fact that Appellant admitted that she really couldn't accurately use the gun because as she said, everything was dark and blurry. Blood from her broken nose had impaired her vision and she could only see a shadow which she thought was [redacted]

Further, lack of an imminent threat is shown by Appellant's own testimony at the Hearing that the gun in question was locked in the glove compartment of [redacted] car. Appellant had great difficulty in locating the keys to the glove compartment and it took her from five to ten minutes to finally locate them and get the gun out. This does not sound like an imminent threat.

Once having located the keys, it was unclear as to whether or not Appellant could have driven the car away and removed herself from the incident entirely. She may have been too drunk or otherwise incapacitated.

The record in this case indicates that Appellant acted out of fear and anger in firing the weapon—not self defense. Several firemen who responded to the scene reported that Appellant was in a rage and was yelling words to the effect of "I should have shot the bitch." This is evidence of anger rather than self defense. While Appellant denied making any such statements, several witnesses confirmed her words and the fact that she was yelling profanities when the

firemen arrived.

The further charge of carrying an off-duty weapon which had not been registered with the Department nor qualified with, is established, by Appellant's own admission.

Finally, the record in this matter also establishes that, while intoxicated, Appellant became involved in a physical altercation with Deputy [redacted] and that, after the altercation, still had a blood alcohol level of 0.157.

This incident was also broadcast on local television, and several newspapers printed stories about the incident, all bringing embarrassment and discredit upon the Department and the Appellant.

For the foregoing reasons, Appellant has failed to show by a preponderance of the evidence that her use of deadly force was required by an imminent threat of death or great bodily injury.

For the foregoing reasons, the Department has established by a preponderance of the evidence that the charges in its Charging Letter of May 1, 2013 are true.[5]

With regard to penalty, a prime consideration is the "harm to the public service", as well as the likelihood that the conduct will reoccur. Appellant had no prior disciplinary problems with the Department.

In this instance, however, the misconduct was egregious and represented a real threat to the lives of [redacted] as well as residents surrounding the locale. Appellant was not the victim of a life-threatening occurrence but actually caused a life-threatening incident by her own actions.

An officer must make sound judgments, on and off-duty. Here, however, an off-duty officer acted out of panic and anger, and a life-threatening situation was averted by sheer luck

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[5] Appellant raised the issue of the requirements of POBRA Section 3303. It is noted, however, that the last paragraph of Section 3303 exempts a criminal investigation from the requirements of 3303. In addition, the Civil Service Commission has previously ruled that a Motion to Suppress is not appropriate. Such a Motion was filed and denied during the Hearing of this case. Raising this issue again in a closing brief where there is no opportunity for a response is an improper "end run" around the Commission's Ruling.

(or poor aim and intoxication).

The Department also risked possible legal liability due to an officer's misconduct. In this case, Appellant actually regretted missing and not shooting [redacted] This shows a poor attitude and also demonstrates the possibility of a future risk to the Department. Instead of expressing remorse, Appellant attempts to shift all blame to others.

The incident also caused real harm to the Public Service. Adverse publicity over the incident was carried in both the broadcast and print media. The Department suffered embarrassment over a drunken brawl involving its deputies with one actually shooting at another. In addition to the adverse publicity, the firemen who responded to the incident also continued to comment on this very strange incident for some time..

Once again, Appellant denied any responsibility for this bad publicity and attempted to lay it all onto [redacted] Appellant was intoxicated during this incident and her intoxication was voluntary. This brought embarrassment and discredit onto the Department.

Finally, despite the several stories told by Appellant during the investigations of this incident, Appellant failed to provide an adequate articulation of an imminent threat of death or great bodily harm to herself or [redacted] denied any such imminent threat by several times urging Appellant to put the gun down.

In light of this, discharge was an appropriate penalty for Appellant's misconduct herein.

FINDINGS OF FACT

1. Appellant had approximately 10 years of experience with the Department, [redacted] She served as a Patrol Officer in the East L.A. Station from September of 2011.

2. Appellant had no other disciplinary record prior to this incident.

3. On the night of October 13, 2011, Appellant, while off duty, met with another off-duty deputy, [redacted] for an evening of drinks.

4. They went to a bar called Mr. V's and were joined there at about 10:30 p.m. by another off-duty female deputy, [redacted] who was a friend of [redacted] but not well known to the

Appellant.

5. While at Mr. V's, Deputy [redacted] received a telephone call from her dispatcher, chewing her out for responding to calls to which she had not been assigned. This apparently angered [redacted]

6. After closing time, the three women proceeded to a second bar called J.T.'s, all three riding in [redacted] car. They remained at J.T.'s from about midnight to 2:00 a.m. and Appellant consumed three or more mixed vodka drinks.

7. [redacted] drove [redacted] car in order to go back to La Mirada where [redacted] car had been left earlier in the evening. While going back to La Mirada, [redacted] drove in an erratic and fast manner and Appellant objected. Appellant ultimately demanded to be let out of the car and [redacted] drove onto the parking lot at La Mirada Park.

8. Words were exchanged between Appellant and [redacted] and it turned into a physical altercation when [redacted] struck Appellant in the face. Appellant and [redacted] wound up rolling around on the ground in a fight, with [redacted] straddling Appellant. At some point, Appellant's nose was broken and bleeding.

9. [redacted] apparently came up and pulled [redacted] off of Appellant. [redacted] then became involved in a roll-around fight on the ground with [redacted] instead.

10. Appellant then went back to the car and she claimed it was to locate her phone to call for help. She could not find the phone.

11. She remembered, however, that she had put her off-duty revolver into [redacted] locked glove compartment. She had difficulty locating the key to the glove compartment and it took between five to 10 minutes for her to find the key and unlock the glove compartment and retrieve the pistol.

12. Appellant ordered [redacted] to get off of [redacted] several times. Appellant claimed that [redacted] finally jumped off and at the same time Appellant fired the gun at [redacted]

13. Appellant's first story was that she fired the gun when she panicked and everything was muddled; the parking lot was dark and her vision was impaired by blood all over her face. Although panicked, she claimed not to be angry at [redacted] when she shot.

14. There is disagreement as to whether Appellant fired a second time when [redacted] was approaching her or when [redacted] was actually running away from the scene.

15. [redacted] ran away from the parking lot and went to a nearby fire station that she knew.

16. A neighbor near the La Mirada Park was awoken by the noise and called the Sheriff's Department. Uniformed deputies responded to the parking lot quickly. The deputies thereafter called firefighters/paramedics who were even closer to the scene of the incident and also responded.

17. The firefighter-paramedics evaluated Appellant and considered that she had minor injuries, consisting of a broken nose.

18. On October 14, 2011, Appellant was voluntarily interviewed by investigators from the Department's Criminal ICIB Bureau. She stated that she was panicked and confused, that it was quite dark, and that she had fired at what she thought was [redacted] but that her vision was impaired because of the blood streaming from her broken nose.

19. Several hours after the incident, Appellant's Breathalyzer test showed alcohol of 0.157.

20. Months later, and on July 23, 2012, Appellant was again interviewed about the incident but this time by investigators from the Internal Affairs Bureau (IAB). At this time, Appellant claimed that she fired on [redacted] because [redacted] had hopped off of [redacted] and was now coming toward Appellant. Appellant claimed that she feared being further beaten or killed by [redacted]

21. Appellant was arrested after the incident for assault with a deadly weapon but was never charged or tried.

22. On the night of the incident, Appellant had possession of an off-duty weapon that had not been registered with the Department, nor had she qualified in order to carry such weapon.

23. The incident was broadcast and published in television and newspapers.

CONCLUSIONS OF LAW

1. During this incident, Appellant voluntarily became intoxicated and thereafter became involved in a physical altercation with another deputy, [redacted]

2. During the altercation, Appellant retrieved a pistol which had never been registered with

the Department and which Appellant had never qualified to fire. This was a violation of the Department's Manual on Obedience to Laws, Regulations and Orders.

3. In firing the weapon at [redacted] Appellant was not faced with an imminent threat of death or great bodily harm to herself or others.

4. Appellant was justified in using self defense in a fight with [redacted] but was not justified in using deadly force in this situation.

5. Once the altercation had begun, Appellant may not have had a realistic opportunity to remove herself from the location or terminate her involvement in the incident.

6. In firing the weapon, Appellant intended to shoot and hit [redacted] during the incident.

7. The fighting involving Deputy [redacted] did not present an imminent threat of death or great bodily harm and therefore did not require the use of deadly force.

8. Appellant's conduct constituted disorderly conduct and being intoxicated in public, and rendered Appellant incapable of safely operating a firearm.

9. This sorry incident resulted in television and newspaper publicity which brought discredit and embarrassment onto the Appellant and the Department.

10. The use of deadly force in this instance constituted egregious conduct and a lack of common sense on the part of the Appellant.

11. This lack of common sense cast grave doubt on Appellant's ability to perform as a responsible peace officer.

12. Appellant's reluctance to take responsibility for this incident also cast doubt on whether she might become engaged in similar conduct in the future.

13. Except as noted herein, the Department has proven by a preponderance of the evidence that the facts set forth in its Letter of Discharge dated May 1, 2013, are true.

14. Because of the foregoing, the Department was justified in discharging the Appellant.

RECOMMENDATION

This duly-appointed Hearing Officer recommends that Appellant's appeal be denied, and that Appellant be ordered discharged from her position as Deputy Sheriff.

DATED: August 21, 2014

Respectfully submitted,

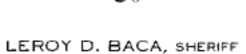
ERNEST S. GOULD

Hearing Officer

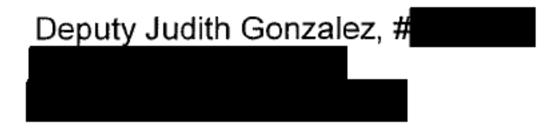


County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169




LEROY D. BACA, SHERIFF

May 1, 2013


Deputy Judith Gonzalez, #[redacted]
[redacted]

Dear Deputy Gonzalez:

On April 4, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2299286. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on April 30, 2013.

An investigation under File Number IAB 2299286, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual Sections 3-01/030.10, Obedience to Laws, Regulations, and Orders; and/or 3-01/025.45, Safety of Firearms; on or about October 14, 2011, you were involved in a physical altercation with Subject [redacted] which culminated in you retrieving your off-duty firearm from a vehicle and firing twice at Subject [redacted] Prior to this, you had multiple opportunities to remove yourself from the location and/or terminate your involvement in the incident but you failed to do so. Subsequent to the shooting you stated, "I wish I woulda shot that bitch" and/or "I wish I woulda hit her" and/or words to that effect. You provided a preliminary

breath sample after the altercation which indicated a .157 BAC. You were subsequently arrested by Internal Criminal Investigations Bureau for 245(a)(2) P.C., Assault with a Deadly Weapon (Firearm).

2. That in violation of Manual Section 3-01/030.10, Obedience to Laws, Regulations, and Orders, in reference to 3-03/210.05, Revolvers/semi-automatic Pistols (On and off Duty), you were carrying an off-duty weapon that you had not registered with the Department nor qualified with in order to carry off-duty.

3. That in violation of Manual Sections 3-01/030.05, General Behavior; and/or 3-01/030.06, Disorderly Conduct, on or about October 14, 2011, you, while intoxicated, were involved in a physical altercation with Subject [redacted] You provided a preliminary breath sample after the altercation which indicated a .157 BAC. The incident was broadcast on local television and several newspapers printed a story about the incident. By your actions you have brought discredit and embarrassment upon yourself and the Department.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

THOMAS M. LAING, CHIEF
SOUTH PATROL DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

TAL:KM:AEA:md

c: Advocacy Unit
Thomas A. Laing, Chief, South Patrol Division
Kevin A. Goran, Chief, Central Patrol Division
James P. Wolak, Captain, East Los Angles Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: MAY 2, 2013

OFFICE CORRESPONDENCE

FILE NO. **IAB 2299286**

FROM: CECIL M. JOHNSON, SOAI
INTERNAL AFFAIRS BUREAU

TO: KEVIN E. HEBERT, CAPTAIN
PERSONNEL ADMINISTRATION

ATTN: DOREEN GARCIA

SUBJECT: **DISCIPLINARY ACTION - DISCHARGE**

Please verify and/or adjust payroll records to reflect the following:

SUBJECT NAME: **JUDITH GONZALEZ**

EMPLOYEE NO.: [redacted]

ITEM NAME/NO. **DEPUTY SHERIFF, 2708A**

UNIT/DIVISION: **EAST LOS ANGELES STATION, CENTRAL PATROL DIVISION**

DISCIPLINE: **DISCHARGE**

EFFECTIVE: **CLOSE OF BUSINESS APRIL 30, 2013**

RECEIVED BY:

Doreen Garcia — 5/2/13
PAYROLL (SIGNATURE) — DATE

DOREEN GARCIA
PAYROLL (PRINT NAME)

***** PLEASE RETURN ALL SIGNED RECEIPTS TO MAGGIE DIXON OF INTERNAL AFFAIRS BUREAU AS SOON AS POSSIBLE****



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Leroy D. Baca, Sheriff

April 4, 2013

Deputy Judith Gonzalez, #[redacted]

Dear Deputy Gonzalez,

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business April 25, 2013.

An investigation under IAB File Number 2299286, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual Sections 3-01/030.10, Obedience to Laws, Regulations, and Orders; and/or 3-01/025.45, Safety of Firearms; on or about October 14, 2011, you were involved in a physical altercation with Subject [redacted] which culminated in you retrieving your off-duty firearm from a vehicle and firing twice at Subject [redacted] Prior to this, you had multiple opportunities to remove yourself from the location and/or terminate your involvement in the incident but you failed to do so. Subsequent to the shooting you stated, "I wish I woulda shot that bitch" and/or "I wish I woulda hit her" and/or words to that effect. You provided a preliminary breath sample after the altercation which indicated a .157 BAC. You were subsequently arrested by Internal Criminal Investigations Bureau for 245(a)(2) P.C., Assault with a Deadly Weapon (Firearm).

2. That in violation of Manual Section 3-01/030.10, Obedience to Laws, Regulations, and Orders, in reference to 3-03/210.05, Revolvers/semi-automatic Pistols (On and off Duty), you were carrying an off-duty weapon that you had

not registered with the Department nor qualified with in order to carry off-duty.

3. That in violation of Manual Sections 3-01/030.05, General Behavior; and/or 3-01/030.06, Disorderly Conduct, on or about October 14, 2011, you, while intoxicated, were involved in a physical altercation with Subject [redacted] You provided a preliminary breath sample after the altercation which indicated a .157 BAC. The incident was broadcast on local television and several newspapers printed a story about the incident. By your actions you have brought discredit and embarrassment upon yourself and the Department.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Thomas Laing, on April 19, 2013, at 0900 hours, in his office, which is located 4700 Ramona Boulevard, Monterey Park, California 91754. If you are unable to appear at the scheduled time and wish to schedule some other time prior to April 19, 2013, for your oral response, please call Chief Laing's secretary at (323) 526-5712, for an appointment.

If you choose to respond in writing, please call Chief Laing's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Laing's office by no later than April 25, 2013.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until theconclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AEA:CMJ:cj

c: Advocacy Unit
Employee Relations Unit
Chief Thomas Laing, Field Operations Region III
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2299286)

INTERNAL AFFAIRS BUREAU SUMMARY
CASE #IV2299286

Subjects:

[redacted] Employee #[redacted]
Deputy Sheriff
Norwalk Sheriff Station

Judith Gonzalez, Employee #[redacted]
Deputy Sheriff
East Los Angeles Station

[redacted] Employee #[redacted]
Deputy Sheriff
East Los Angeles Station

Witnesses:

[redacted] MH/[redacted]

[redacted] MW/[redacted]

James Velasquez, Employee #[redacted]
Deputy Sheriff
Norwalk Sheriff Station

Gregoria Martinez, Employee #[redacted]
Deputy Sheriff
Norwalk Sheriff Station

Christopher Trujillo, Employee #[redacted]
Deputy Sheriff
Norwalk Sheriff Station

Mike Jones, Employee #[redacted]
Los Angeles County Fire Paramedic
Fire Station #49

Chris Manzanares, Employee #[redacted]
Los Angeles County Firefighter
Fire Station #49

Michael Bennett, Employee #[redacted]
Los Angeles County Fire Paramedic
Fire Station #49

Gregory Lombardo, Employee #[redacted]
Los Angeles County Fire Captain
Fire Station #49

Date: October 14, 2011/Friday

Time: 0300 hours

Location: La Mirada Regional Park
15105 Alicante Road
La Mirada, California 90638

SYNOPSIS

On October 14, 2011, while off-duty, Subject [redacted] Subject Judith Gonzalez, and Subject [redacted] after consuming several alcoholic beverages at two separate restaurant/bars, were involved in a physical altercation and shooting.

After leaving "JT's Beach Club" after it closed, all three subjects entered Subject [redacted] silver Volkswagen Jetta. It was unclear who was driving the vehicle. During the Internal Affairs Bureau interviews, Subject [redacted] said Subject [redacted] was driving, Subject Gonzalez said Deputy [redacted] was driving, and Subject [redacted] did not remember who was driving. The vehicle was registered to Subject [redacted]

Subject [redacted] and Subject Gonzalez began arguing in the car. The vehicle was driven to La Mirada Regional Park where Subject [redacted] and Subject Gonzalez exited the vehicle and continued arguing. Subject [redacted] remained in the vehicle. Subject [redacted] and Subject Gonzalez ended up on the ground, with Subject [redacted] on top of Subject Gonzalez pinning her down. Subject [redacted] punched Subject Gonzalez and fractured her nasal cavity.

Subject [redacted] who had been sitting in her vehicle, saw Subject [redacted] on top of Subject Gonzalez and ran over to Subject [redacted] and Subject Gonzalez. Subject [redacted] attempted to push Subject [redacted] off of Subject Gonzalez. Subject [redacted] and Subject [redacted] ended up on the ground.

Subject Gonzalez ran to Subject [redacted] vehicle, and retrieved her (Subject Gonzalez') off-duty weapon, a silver, Smith and Wesson, CS9 pistol, which she previously locked in Subject [redacted] vehicle's glove box prior to entering "Mr. V's", earlier in the evening. Subject Gonzalez yelled to Subject [redacted] to leave Subject Hile alone. Subject Gonzalez fired two rounds from her off-duty weapon at Subject [redacted] missing her.

Subject [redacted] ran to fire station #49 (13820 La Mirada Boulevard, La Mirada) which is in close proximity to La Mirada Regional park. Subject [redacted] woke sleeping Los Angeles County Firefighter Chris Manzanares, employee # [redacted] and asked for help saying she had been shot at. A few minutes later a call came in to the fire station of person injured at the La Mirada Gymnasium.

Subject [redacted] telephoned Watch Deputy Ruben Macias, employee # [redacted] at Norwalk Sheriff Station, and asked if he could pick her up at the fire station. Deputy Macias advised Subject [redacted] to remain at the fire station for supervisors (Refer to **Exhibit A**, **page 65** for Deputy Macias' supplemental report).

When Norwalk Sheriff Station deputies arrived at La Mirada Park Gymnasium, Subject Gonzalez was sitting on the ground next to Deputy [redacted] vehicle, with her off-duty weapon on the ground in front of her. Subject [redacted] was sitting partially in the driver's seat of her vehicle. The deputies detained all three subjects pending the arrival of supervisors. Subject Gonzalez' off-duty weapon was recovered, rendered safe, and securely stored in Deputy Velasquez' vehicle pending the arrival of Crime Scene Investigation Scientific Services Bureau (Refer to **Exhibit A, pages 102 and 103**, County of Los Angeles-Sheriff's Department supplemental report and **Exhibit B**, Scientific Services Bureau, Field Investigation Report for processing of the crime scene and Subject Hile's vehicle.).

> **IAB Note:** Subject [redacted] Subject Gonzalez, and Subject [redacted] all became acquainted while working together at the [redacted] Subject [redacted] worked as a [redacted] Subject [redacted] worked at the [redacted] as a deputy, and the two established a friendship outside of work. During the course of their friendship, Subject [redacted] applied for Deputy Sheriff. Subject [redacted] and Subject [redacted] were in [redacted] together. Subject [redacted] was assigned to patrol at East Los Angeles Sheriff Station, and Subject [redacted] was assigned to Norwalk Sheriff Station. Subject Gonzalez was assigned to work patrol at East Los Angeles Station and the friendship with Subject [redacted] remained. Subject Gonzalez and Subject [redacted] also previously worked together at the [redacted] but did not socialize on their own outside of work. Prior to this incident, Subject [redacted] and Subject Gonzalez had been out on one prior occasion in a group setting with Subject [redacted] as the common denominator.

IAB Note: Subject [redacted] was hired as a Custody Assistant on November 15, 1997. She worked at [redacted] and Norwalk Sheriff Station, as a Jailer for two years. Subject Myers applied for Deputy Sheriff Trainee and entered [redacted] She worked as a Custody Assistant until returning to start [redacted] where she graduated as a Deputy Sheriff in April of 2002. She returned to [redacted] until she was assigned to patrol at Norwalk Sheriff Station in 2007.

Subject Gonzalez was hired on the department November 26, 2001, as a [redacted] She applied for Deputy Sheriff Trainee, and entered the [redacted] After graduating she went to [redacted] until she was assigned to patrol at East Los Angeles Sheriff Station.

At the crime scene, Norwalk Sheriff Station Lieutenant Jeffrey Scroggin, employee #[redacted] ordered Subject Gonzalez and Subject [redacted] to submit to alcohol breath tests. Norwalk Sheriff Station Deputy Velasquez administered the tests. Subject [redacted] failed to provide adequate breath samples on two separate attempts. Deputy Velasquez was able to manually trap a valid breath sample at 0544 hours via the P.A.S. unit with a result of .09% BAC. Subject Gonzalez provided a valid breath sample on her first attempt at 0546 hours with a result of .157% BAC (Refer to **Exhibit A, pages 57 through 60,** Deputy Velasquez' supplemental report).

Subject [redacted] was contacted at the fire station by Sergeant [redacted] employee #[redacted] and transported to Norwalk Sheriff Station (Refer to **Exhibit A, page 56,** Sergeant [redacted] supplemental report). Sergeant [redacted] ordered Subject [redacted] to submit to an alcohol breath test. Subject [redacted] breath sample results revealed .11% BAC at 05:10 hours and .11% BAC at 5:13 hours (Refer to **Exhibit C**, for Data master breath results). Subject [redacted] was transported to Pico Rivera Sheriff Station and booked for, Assault with serious bodily injury, 243(d) P.C. (Refer to **Exhibit A, pages 41 through 48** for SH-R-49, and **Exhibit A, page 69** for Subject [redacted] booking slip.)

Subject [redacted] was transported to Norwalk Sheriff Station where she was administered an alcohol breath test. Subject [redacted] breath sample results revealed .08% BAC at 07:12 hours and .08% BAC at 07:15 hours (Refer to **Exhibit E**, for Data master breath results). At the time of the incident, Subject [redacted] involvement was not immediately known, and she was not charged with a crime at the time of the incident. During the course of the Internal Criminal Investigations Bureau investigation, Battery, 243(a) P.C. charges were filed against Subject [redacted]

Subject Gonzalez was transported to Whittier Presbyterian hospital for an, "o.k. to book," where she was treated for a nasal fracture, a small laceration on the bridge of her nose, facial contusions and bruising. Subject Gonzalez was transported to Norwalk Sheriff Station and administered an alcohol breath test. Subject Gonzalez breath sample results revealed .04% BAC at 1227 hours and .04% BAC at 1230 hours (Refer to **Exhibit D**, for Data master breath results). Subject Gonzalez was booked at Norwalk Sheriff Station for, Assault with a deadly weapon (firearm), 245(a) (2) P.C. (Refer to **Exhibit A, pages 41 through 48** for SH-R-49 report, and **Exhibit A**, **page 71,** for Subject Gonzalez' booking slip).

> **IAB Note**: The Internal Criminal Investigations Bureau case is currently at the Justice System Integrity Division (JSID) pending a decision on filing.

A Gunshot Residue Kit test (GSR) was administered on Subject Gonzalez and Subject [redacted] Subject [redacted] refused to submit to a GSR test. Subject [redacted] GSR test revealed gunshot primer residue detected on Subject [redacted] sample. Subject Gonzalez' test revealed no gunshot primer residue detected on Subject Gonzalez' sample (Refer to **Exhibit A, page 5**).

SUBJECT INTERVIEWS:

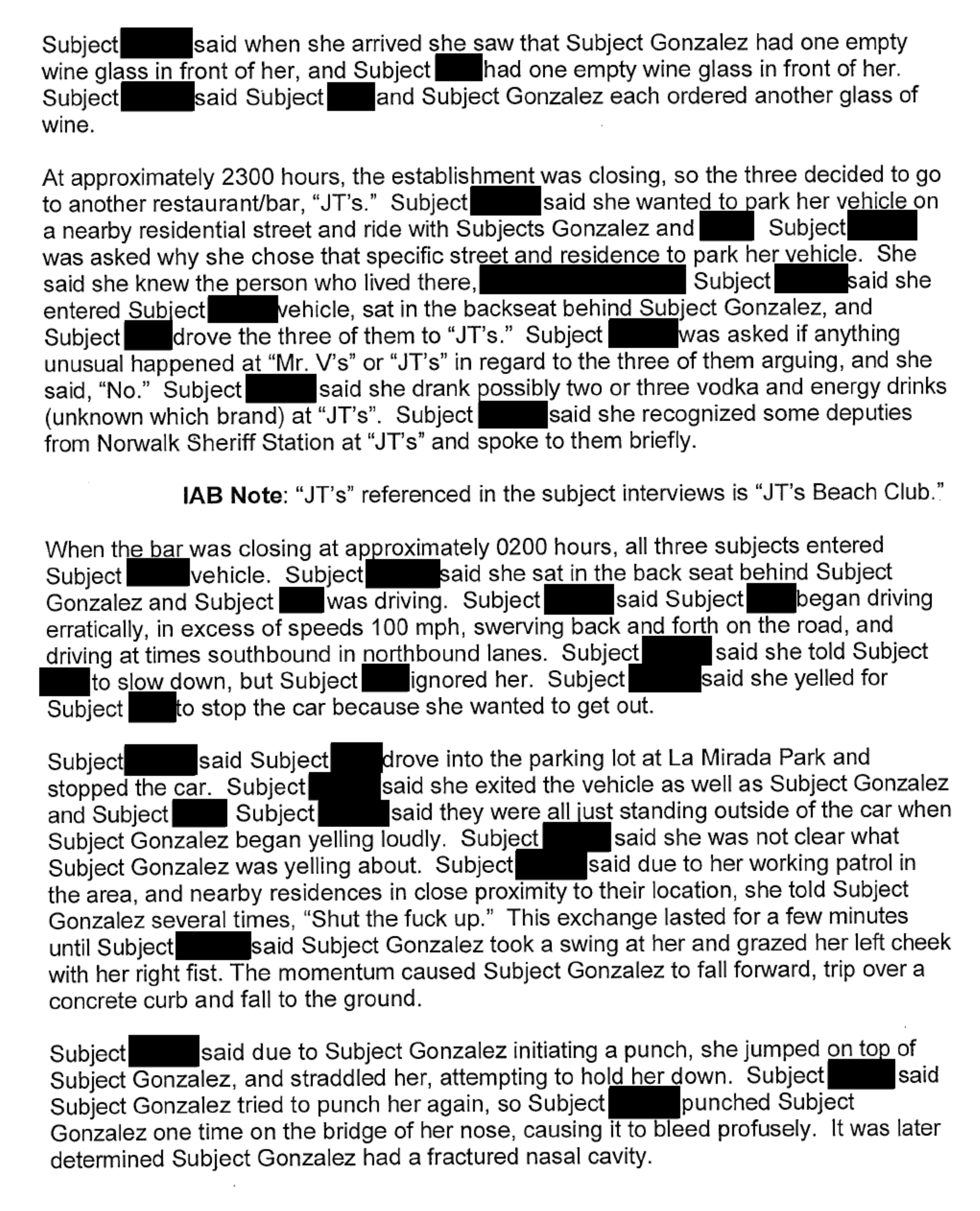
The following narratives are intended only as a synopsis of the interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview and verbatim transcription.

Subject Deputy [redacted]

Subject [redacted] was interviewed on July 3, 2012, by Sergeant Laura Haynes, employee #[redacted] and Sergeant Dinah Grote, employee #[redacted] of the Internal Affairs Bureau. Subject [redacted] was represented by Howard Lieberman of the Law Offices of Silverhead, Silver, Wexler and Levine.

Subject [redacted] essentially gave the same account as told to Internal Criminal Investigations Bureau (ICIB) Sergeant Daniel Tobin, employee #[redacted] and Sergeant Amylynn Hanson, employee #[redacted] (Refer to **Exhibit A, pages 16 through 19**).

Subject [redacted] said after finishing her patrol shift at Norwalk Sheriff Station, (2200 hours) she met Subject Gonzalez and Subject [redacted] at a local restaurant/bar "Mr. V's." Subject [redacted] said at "Mr. V's" she drank one beer, and one cranberry and vodka (unknown which brand) drink.



Subject [redacted] said when she arrived she saw that Subject Gonzalez had one empty wine glass in front of her, and Subject [redacted] had one empty wine glass in front of her. Subject [redacted] said Subject [redacted] and Subject Gonzalez each ordered another glass of wine.

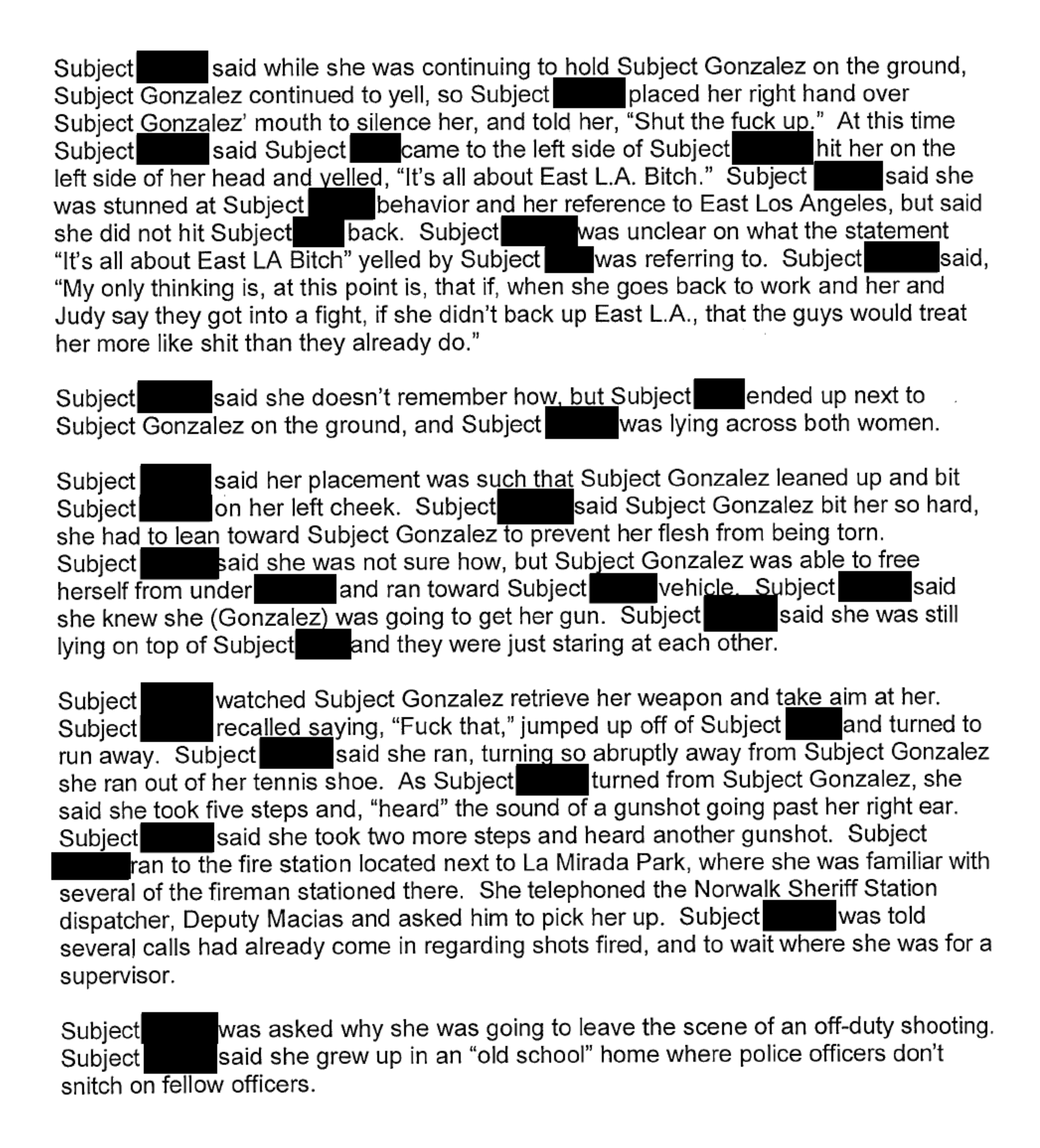
At approximately 2300 hours, the establishment was closing, so the three decided to go to another restaurant/bar, "JT's." Subject [redacted] said she wanted to park her vehicle on a nearby residential street and ride with Subjects Gonzalez and [redacted] Subject [redacted] was asked why she chose that specific street and residence to park her vehicle. She said she knew the person who lived there, [redacted] Subject [redacted] said she entered Subject [redacted] vehicle, sat in the backseat behind Subject Gonzalez, and Subject [redacted] drove the three of them to "JT's." Subject [redacted] was asked if anything unusual happened at "Mr. V's" or "JT's" in regard to the three of them arguing, and she said, "No." Subject [redacted] said she drank possibly two or three vodka and energy drinks (unknown which brand) at "JT's". Subject [redacted] said she recognized some deputies from Norwalk Sheriff Station at "JT's" and spoke to them briefly.

IAB Note: "JT's" referenced in the subject interviews is "JT's Beach Club."

When the bar was closing at approximately 0200 hours, all three subjects entered Subject [redacted] vehicle. Subject [redacted] said she sat in the back seat behind Subject Gonzalez and Subject [redacted] was driving. Subject [redacted] said Subject [redacted] began driving erratically, in excess of speeds 100 mph, swerving back and forth on the road, and driving at times southbound in northbound lanes. Subject [redacted] said she told Subject [redacted] to slow down, but Subject [redacted] ignored her. Subject [redacted] said she yelled for Subject [redacted] to stop the car because she wanted to get out.

Subject [redacted] said Subject [redacted] drove into the parking lot at La Mirada Park and stopped the car. Subject [redacted] said she exited the vehicle as well as Subject Gonzalez and Subject [redacted] Subject [redacted] said they were all just standing outside of the car when Subject Gonzalez began yelling loudly. Subject [redacted] said she was not clear what Subject Gonzalez was yelling about. Subject [redacted] said due to her working patrol in the area, and nearby residences in close proximity to their location, she told Subject Gonzalez several times, "Shut the fuck up." This exchange lasted for a few minutes until Subject [redacted] said Subject Gonzalez took a swing at her and grazed her left cheek with her right fist. The momentum caused Subject Gonzalez to fall forward, trip over a concrete curb and fall to the ground.

Subject [redacted] said due to Subject Gonzalez initiating a punch, she jumped on top of Subject Gonzalez, and straddled her, attempting to hold her down. Subject [redacted] said Subject Gonzalez tried to punch her again, so Subject [redacted] punched Subject Gonzalez one time on the bridge of her nose, causing it to bleed profusely. It was later determined Subject Gonzalez had a fractured nasal cavity.



Subject [redacted] said while she was continuing to hold Subject Gonzalez on the ground, Subject Gonzalez continued to yell, so Subject [redacted] placed her right hand over Subject Gonzalez' mouth to silence her, and told her, "Shut the fuck up." At this time Subject [redacted] said Subject [redacted] came to the left side of Subject [redacted] hit her on the left side of her head and yelled, "It's all about East L.A. Bitch." Subject [redacted] said she was stunned at Subject [redacted] behavior and her reference to East Los Angeles, but said she did not hit Subject [redacted] back. Subject [redacted] was unclear on what the statement "It's all about East LA Bitch" yelled by Subject [redacted] was referring to. Subject [redacted] said, "My only thinking is, at this point is, that if, when she goes back to work and her and Judy say they got into a fight, if she didn't back up East L.A., that the guys would treat her more like shit than they already do."

Subject [redacted] said she doesn't remember how, but Subject [redacted] ended up next to Subject Gonzalez on the ground, and Subject [redacted] was lying across both women.

Subject [redacted] said her placement was such that Subject Gonzalez leaned up and bit Subject [redacted] on her left cheek. Subject [redacted] said Subject Gonzalez bit her so hard, she had to lean toward Subject Gonzalez to prevent her flesh from being torn. Subject [redacted] said she was not sure how, but Subject Gonzalez was able to free herself from under [redacted] and ran toward Subject [redacted] vehicle. Subject [redacted] said she knew she (Gonzalez) was going to get her gun. Subject [redacted] said she was still lying on top of Subject [redacted] and they were just staring at each other.

Subject [redacted] watched Subject Gonzalez retrieve her weapon and take aim at her. Subject [redacted] recalled saying, "Fuck that," jumped up off of Subject [redacted] and turned to run away. Subject [redacted] said she ran, turning so abruptly away from Subject Gonzalez she ran out of her tennis shoe. As Subject [redacted] turned from Subject Gonzalez, she said she took five steps and, "heard" the sound of a gunshot going past her right ear. Subject [redacted] said she took two more steps and heard another gunshot. Subject [redacted] ran to the fire station located next to La Mirada Park, where she was familiar with several of the fireman stationed there. She telephoned the Norwalk Sheriff Station dispatcher, Deputy Macias and asked him to pick her up. Subject [redacted] was told several calls had already come in regarding shots fired, and to wait where she was for a supervisor.

Subject [redacted] was asked why she was going to leave the scene of an off-duty shooting. Subject [redacted] said she grew up in an "old school" home where police officers don't snitch on fellow officers.

Subject [redacted] was asked several times during her interview why she did not leave La Mirada Park when she first arrived; or when Subject Gonzalez began yelling; or after Subject Gonzalez fell to the ground, given she had ample opportunity to remove herself from a potential altercation. She replied, "I don't know."

Subject [redacted] refused medical treatment at the time of the incident (Refer to **Exhibit A, page 90,** for copies of photographs of Subject [redacted] injuries).

> **IAB Note**: While Relieved of Duty following this incident, Subject [redacted] was arrested by Norwalk Sheriff Station personnel on May 8, 2012, for threatening Mr. [redacted] Subject [redacted] was transported to Century Regional Detention Facility for booking. While in the booking cell, Subject [redacted] elbowed and kicked the transport deputy (Refer to IAB Case #IV2312611).

Subject Deputy Judith Gonzalez:

Subject Gonzalez was interviewed on July 23, 2012, by Sergeant Laura Haynes and Sergeant Julia Kiser, employee # [redacted] of the Internal Affairs Bureau. Subject Gonzalez was represented by the Law Office of Charles Goldwasser.

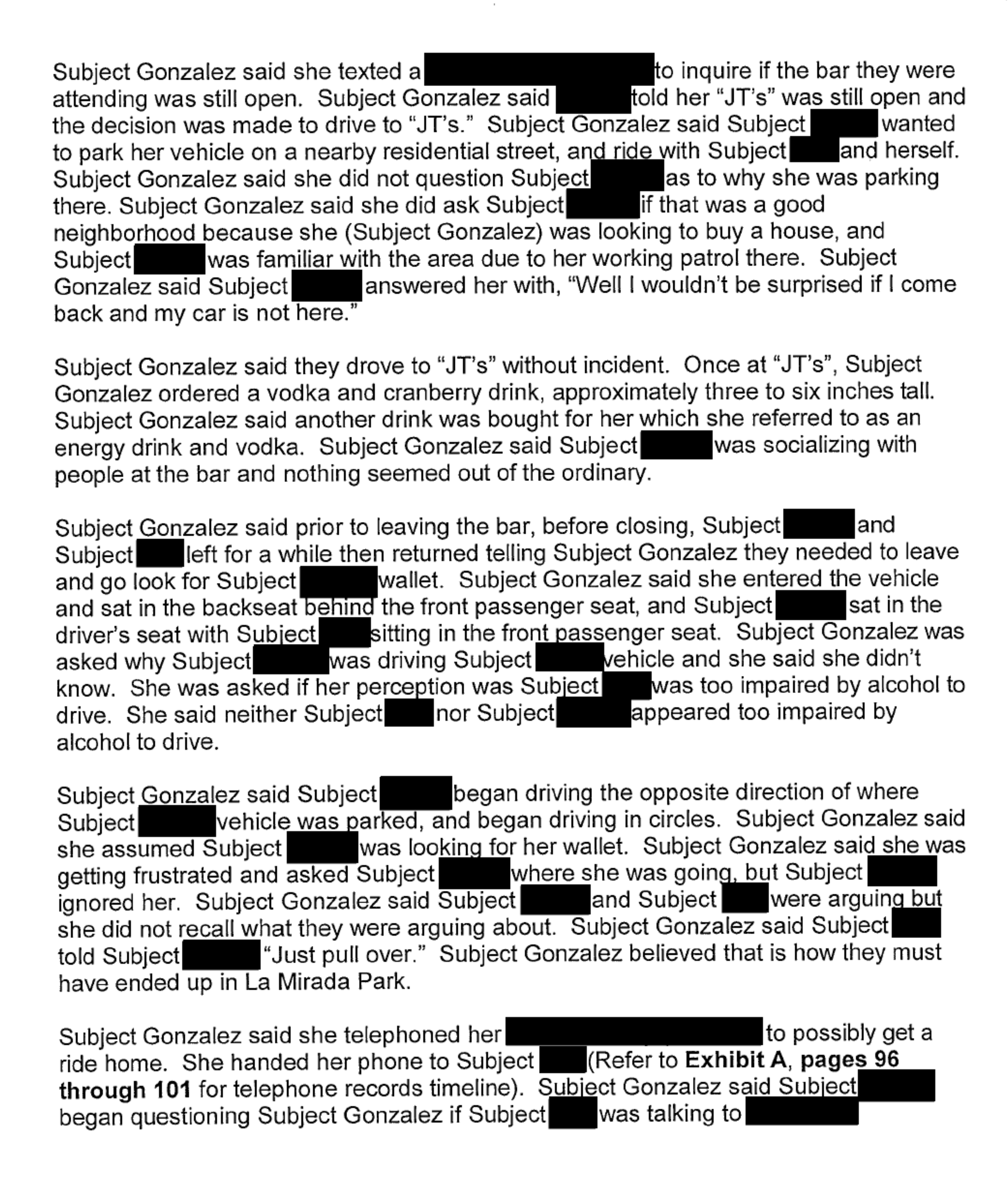
Subject Gonzalez essentially gave the same account as told to ICIB Sergeant Daniel Tobin and Sergeant Amylynn Hanson (Refer to **Exhibit A, pages 7 through 9)**.

Subject Gonzalez said after attending a training day on day-shift, she spoke to Subject [redacted] in the East Los Angeles Station parking lot. They made plans to meet up later in the evening. Subject Gonzalez said she went home and took a two-hour nap.

Subject Gonzalez said Subject [redacted] picked Subject Gonzalez up at her house and they drove to "Mr. V's" restaurant/bar. Subject Gonzalez said Subject [redacted] had made plans with Subject [redacted] to meet them after she finished her shift at Norwalk Sheriff Station. Subject Gonzalez said prior to entering the bar she remembered she had her off-duty weapon in her purse, and she did not want to take it with her in the restaurant/bar. Subject [redacted] suggested she store her gun in the glove box of her vehicle as it can be locked.

Subject Gonzalez said once inside the bar, she and Subject [redacted] each consumed a glass of white wine. Subject [redacted] arrived after approximately fifteen to twenty minutes and Subject [redacted] ordered a beer.

Subject Gonzalez and Subject [redacted] each ordered another glass of white wine. Subject Gonzalez said she only drank half of the second glass of white wine. Subject Gonzalez said "Mr. V's" announced "Last Call" at approximately 2240 hours.



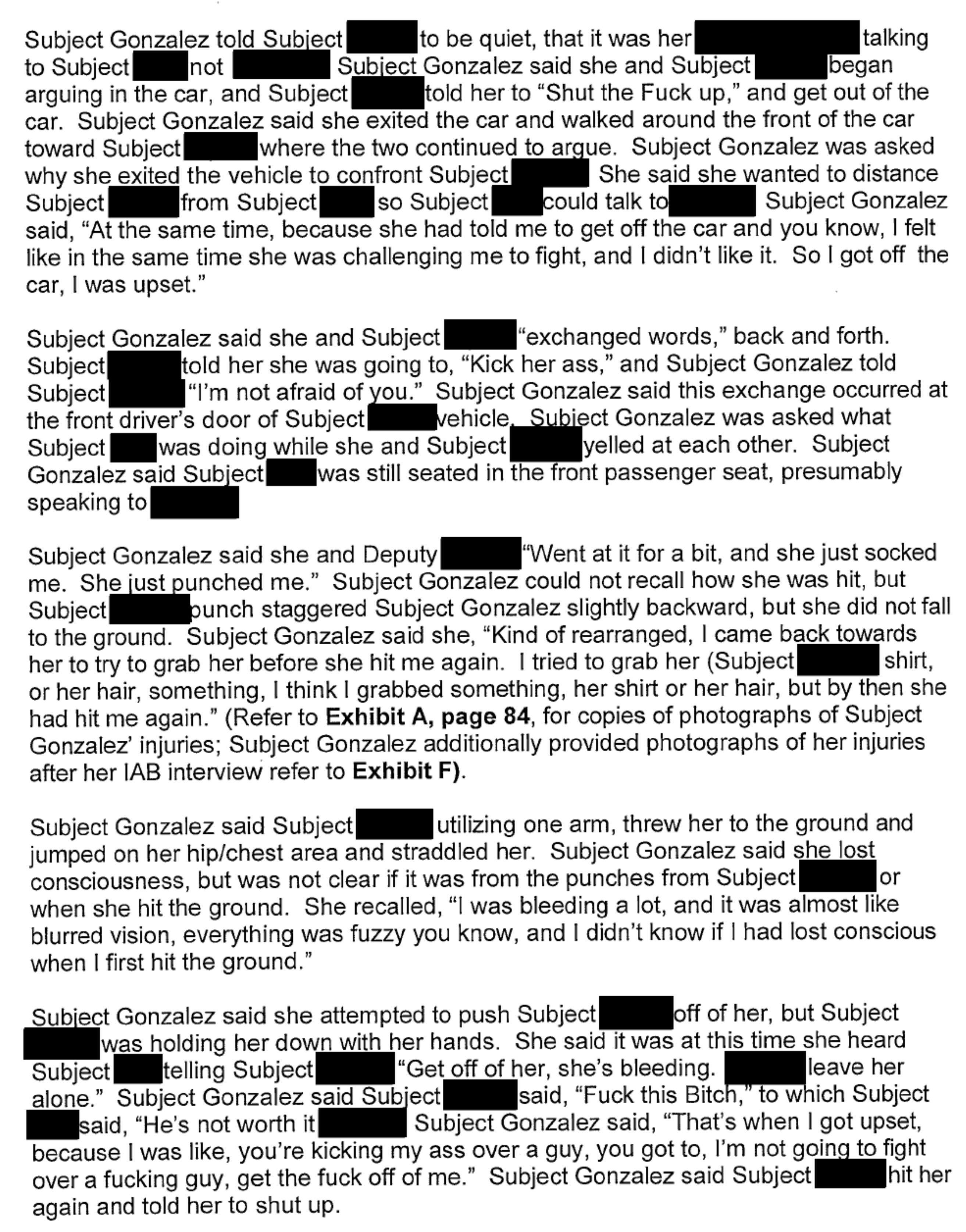
Subject Gonzalez said she texted a [redacted] to inquire if the bar they were attending was still open. Subject Gonzalez said [redacted] told her "JT's" was still open and the decision was made to drive to "JT's." Subject Gonzalez said Subject [redacted] wanted to park her vehicle on a nearby residential street, and ride with Subject [redacted] and herself. Subject Gonzalez said she did not question Subject [redacted] as to why she was parking there. Subject Gonzalez said she did ask Subject [redacted] if that was a good neighborhood because she (Subject Gonzalez) was looking to buy a house, and Subject [redacted] was familiar with the area due to her working patrol there. Subject Gonzalez said Subject [redacted] answered her with, "Well I wouldn't be surprised if I come back and my car is not here."

Subject Gonzalez said they drove to "JT's" without incident. Once at "JT's", Subject Gonzalez ordered a vodka and cranberry drink, approximately three to six inches tall. Subject Gonzalez said another drink was bought for her which she referred to as an energy drink and vodka. Subject Gonzalez said Subject [redacted] was socializing with people at the bar and nothing seemed out of the ordinary.

Subject Gonzalez said prior to leaving the bar, before closing, Subject [redacted] and Subject [redacted] left for a while then returned telling Subject Gonzalez they needed to leave and go look for Subject [redacted] wallet. Subject Gonzalez said she entered the vehicle and sat in the backseat behind the front passenger seat, and Subject [redacted] sat in the driver's seat with Subject [redacted] sitting in the front passenger seat. Subject Gonzalez was asked why Subject [redacted] was driving Subject [redacted] vehicle and she said she didn't know. She was asked if her perception was Subject [redacted] was too impaired by alcohol to drive. She said neither Subject [redacted] nor Subject [redacted] appeared too impaired by alcohol to drive.

Subject Gonzalez said Subject [redacted] began driving the opposite direction of where Subject [redacted] vehicle was parked, and began driving in circles. Subject Gonzalez said she assumed Subject [redacted] was looking for her wallet. Subject Gonzalez said she was getting frustrated and asked Subject [redacted] where she was going, but Subject [redacted] ignored her. Subject Gonzalez said Subject [redacted] and Subject [redacted] were arguing but she did not recall what they were arguing about. Subject Gonzalez said Subject [redacted] told Subject [redacted] "Just pull over." Subject Gonzalez believed that is how they must have ended up in La Mirada Park.

Subject Gonzalez said she telephoned her [redacted] to possibly get a ride home. She handed her phone to Subject [redacted] (Refer to **Exhibit A**, **pages 96 through 101** for telephone records timeline). Subject Gonzalez said Subject [redacted] began questioning Subject Gonzalez if Subject [redacted] was talking to [redacted]



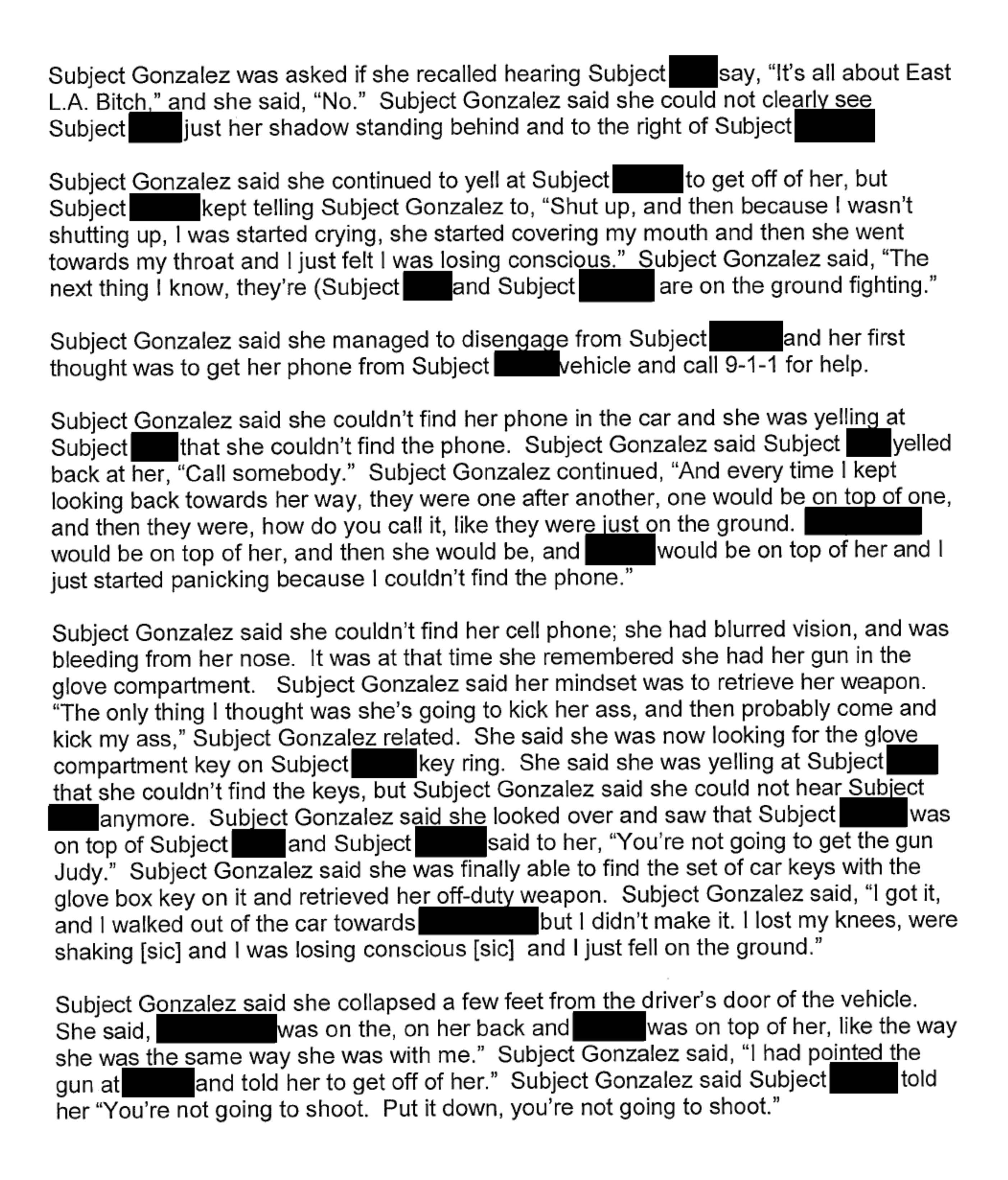
Subject Gonzalez told Subject [redacted] to be quiet, that it was her [redacted] talking to Subject [redacted] not [redacted] Subject Gonzalez said she and Subject [redacted] began arguing in the car, and Subject [redacted] told her to "Shut the Fuck up," and get out of the car. Subject Gonzalez said she exited the car and walked around the front of the car toward Subject [redacted] where the two continued to argue. Subject Gonzalez was asked why she exited the vehicle to confront Subject [redacted] She said she wanted to distance Subject [redacted] from Subject [redacted] so Subject [redacted] could talk to [redacted] Subject Gonzalez said, "At the same time, because she had told me to get off the car and you know, I felt like in the same time she was challenging me to fight, and I didn't like it. So I got off the car, I was upset."

Subject Gonzalez said she and Subject [redacted] "exchanged words," back and forth. Subject [redacted] told her she was going to, "Kick her ass," and Subject Gonzalez told Subject [redacted] "I'm not afraid of you." Subject Gonzalez said this exchange occurred at the front driver's door of Subject [redacted] vehicle. Subject Gonzalez was asked what Subject [redacted] was doing while she and Subject [redacted] yelled at each other. Subject Gonzalez said Subject [redacted] was still seated in the front passenger seat, presumably speaking to [redacted]

Subject Gonzalez said she and Deputy [redacted] "Went at it for a bit, and she just socked me. She just punched me." Subject Gonzalez could not recall how she was hit, but Subject [redacted] punch staggered Subject Gonzalez slightly backward, but she did not fall to the ground. Subject Gonzalez said she, "Kind of rearranged, I came back towards her to try to grab her before she hit me again. I tried to grab her (Subject [redacted] shirt, or her hair, something, I think I grabbed something, her shirt or her hair, but by then she had hit me again." (Refer to **Exhibit A, page 84**, for copies of photographs of Subject Gonzalez' injuries; Subject Gonzalez additionally provided photographs of her injuries after her IAB interview refer to **Exhibit F)**.

Subject Gonzalez said Subject [redacted] utilizing one arm, threw her to the ground and jumped on her hip/chest area and straddled her. Subject Gonzalez said she lost consciousness, but was not clear if it was from the punches from Subject [redacted] or when she hit the ground. She recalled, "I was bleeding a lot, and it was almost like blurred vision, everything was fuzzy you know, and I didn't know if I had lost conscious when I first hit the ground."

Subject Gonzalez said she attempted to push Subject [redacted] off of her, but Subject [redacted] was holding her down with her hands. She said it was at this time she heard Subject [redacted] telling Subject [redacted] "Get off of her, she's bleeding. [redacted] leave her alone." Subject Gonzalez said Subject [redacted] said, "Fuck this Bitch," to which Subject [redacted] said, "He's not worth it [redacted] Subject Gonzalez said, "That's when I got upset, because I was like, you're kicking my ass over a guy, you got to, I'm not going to fight over a fucking guy, get the fuck off of me." Subject Gonzalez said Subject [redacted] hit her again and told her to shut up.


Subject Gonzalez was asked if she recalled hearing Subject [redacted] say, "It's all about East L.A. Bitch," and she said, "No." Subject Gonzalez said she could not clearly see Subject [redacted] just her shadow standing behind and to the right of Subject [redacted]

Subject Gonzalez said she continued to yell at Subject [redacted] to get off of her, but Subject [redacted] kept telling Subject Gonzalez to, "Shut up, and then because I wasn't shutting up, I was started crying, she started covering my mouth and then she went towards my throat and I just felt I was losing conscious." Subject Gonzalez said, "The next thing I know, they're (Subject [redacted] and Subject [redacted] are on the ground fighting."

Subject Gonzalez said she managed to disengage from Subject [redacted] and her first thought was to get her phone from Subject [redacted] vehicle and call 9-1-1 for help.

Subject Gonzalez said she couldn't find her phone in the car and she was yelling at Subject [redacted] that she couldn't find the phone. Subject Gonzalez said Subject [redacted] yelled back at her, "Call somebody." Subject Gonzalez continued, "And every time I kept looking back towards her way, they were one after another, one would be on top of one, and then they were, how do you call it, like they were just on the ground. [redacted] would be on top of her, and then she would be, and [redacted] would be on top of her and I just started panicking because I couldn't find the phone."

Subject Gonzalez said she couldn't find her cell phone; she had blurred vision, and was bleeding from her nose. It was at that time she remembered she had her gun in the glove compartment. Subject Gonzalez said her mindset was to retrieve her weapon. "The only thing I thought was she's going to kick her ass, and then probably come and kick my ass," Subject Gonzalez related. She said she was now looking for the glove compartment key on Subject [redacted] key ring. She said she was yelling at Subject [redacted] that she couldn't find the keys, but Subject Gonzalez said she could not hear Subject [redacted] anymore. Subject Gonzalez said she looked over and saw that Subject [redacted] was on top of Subject [redacted] and Subject [redacted] said to her, "You're not going to get the gun Judy." Subject Gonzalez said she was finally able to find the set of car keys with the glove box key on it and retrieved her off-duty weapon. Subject Gonzalez said, "I got it, and I walked out of the car towards [redacted] but I didn't make it. I lost my knees, were shaking [sic] and I was losing conscious [sic] and I just fell on the ground."

Subject Gonzalez said she collapsed a few feet from the driver's door of the vehicle. She said, [redacted] was on the, on her back and [redacted] was on top of her, like the way she was the same way she was with me." Subject Gonzalez said, "I had pointed the gun at [redacted] and told her to get off of her." Subject Gonzalez said Subject [redacted] told her "You're not going to shoot. Put it down, you're not going to shoot."

Subject Gonzalez said she couldn't believe that Subject [redacted] did not take her seriously. She added she could hear Subject [redacted] say to her, "Judy, Judy put the gun down." Subject Gonzalez said she told Subject [redacted] two to three more times to get off of Subject [redacted] Subject Gonzalez said Subject [redacted] finally jumped up off of Subject [redacted] and began to advance toward her, (Subject Gonzalez), closing the distance to approximately five to ten feet. Subject Gonzalez said she took aim at Subject [redacted] and shot one time. She added, "The first shot, it threw me back. I kind of lost the whole the first because it's double action, it threw me back and then when I kind of reassessed and kind of tried to look for her again, I saw her a second time."

Subject Gonzalez said she perceived Subject [redacted] had moved closer to her, approximately four to seven feet, so she shot a second time. Subject Gonzalez said she saw Subject [redacted] turn and run away from her. Subject Gonzalez said she heard Subject [redacted] next to her saying, "It's okay, put the gun down."

> **IAB Note**: Subject Gonzalez had not attended an optional weapons class to qualify to carry her off-duty Smith and Wesson CS 9 revolver utilized during this shooting incident.

Subject Gonzalez said Subject [redacted] told her, "Let's go. Let's go," but she (Subject Gonzalez) told her, "No, I'm not going anywhere."

Subject Gonzalez was asked how long before deputies arrived and she said approximately ten minutes.

Subject Gonzalez said during her interview she perceived she had no other choice but to shoot at Subject [redacted] She said, "I didn't know where I was at, I couldn't find my phone, I guess I just never thought it would be a deputy that I would be fighting for my life. Like, I think that's one of the things that still sticks in my head, is that, I wasn't, I wouldn't, have thought she would want to go that far." (Refer to **Exhibit A, pages 75 through 79** for medical documentation for Subject Gonzalez).

> **IAB Note**: Subject Gonzalez believed the initial fight started because she (Subject Gonzalez) told Subject [redacted] earlier in the evening, she knew a [redacted] Subject Gonzalez believed Subject [redacted] interpreted that as Subject Gonzalez acquainted with her (Subject [redacted] the victim of the second IAB case with Subject [redacted] IV2312611.

Subject Deputy [redacted]

Subject [redacted] was interviewed on July 31, 2012, by Sergeant Laura Haynes and Sergeant Julia Kiser of the Internal Affairs Bureau. Subject [redacted] was represented by Richard Shinee of the Law Offices of Green and Shinee.

Subject [redacted] did not speak to ICIB Sergeants about the incident.

Subject [redacted] said she made plans to go out with Subject Gonzalez after work on October 14, 2012. Subject [redacted] said after returning home from softball practice with her [redacted] around 2030 hours, she called Subject Gonzalez, drove to her residence and picked her up. Subject [redacted] said they went to "Mr. V's," where she either texted or called Subject [redacted] to meet them at the bar. Subject [redacted] said while waiting for Subject [redacted] she drank one glass of white wine.

After approximately thirty to forty minutes, Subject [redacted] arrived and joined them. Subject [redacted] said she recalled Subject [redacted] drinking a small glass of a, "Dark colored liquid" she thought was whiskey. At approximately 2230 hours, "Mr. V's" was closing so the decision was made to go to "JT's" restaurant/bar. Subject [redacted] said Subject Gonzalez had received a text message from her [redacted] that he and some friends were at "JT's" and to join them.

Subject [redacted] said Subject [redacted] wanted to leave her vehicle parked at a nearby residence and ride with them. Subject [redacted] was asked if she knew why Subject [redacted] picked that neighborhood and she said she didn't ask, and Subject [redacted] did not offer an explanation. Subject [redacted] said Subject [redacted] entered her vehicle and sat in the backseat behind the front passenger, Subject Gonzalez. During the drive to "JT's" Subject [redacted] said nothing remarkable happened in the car, and their conversation consisted of "girl talk."

Subject [redacted] said once at "JT's" all three went to the bar and ordered "Red Bull" and vodka drinks. Subject [redacted] said she and Subject Gonzalez sat down at a table with Subject Gonzalez' [redacted] between them. She said Subject [redacted] was socializing with deputies from Norwalk Station at the bar.

Subject [redacted] said she drank one "Red Bull" and vodka drink and someone ordered her a second "Red Bull" and vodka. Subject [redacted] said she took a sip of the second drink and immediately felt tired. She said, "The room seemed to be, like it felt dark. Almost like when you pass out. And that's the last thing I remember, and I remember I was feeling nauseated and I don't know if I verbalized that to them, or told them anything."

Subject [redacted] said the next thing she remembered was feeling cold air, and possibly someone helping her walk to her car. Subject [redacted] said she recalled sitting in the front passenger's side of the vehicle, but does not remember who drove her vehicle.

Subject [redacted] said, "The next thing I remember is seeing the road as the car is being driven and kind of laying back again, because I, like I said, I felt very heavy." Subject [redacted] was asked if she felt drunk and she said, "No." Subject [redacted] said her feeling ill was not related to the consumption of her alcoholic beverages.

Subject [redacted] said her next recollection was hearing yelling outside of the car. She couldn't make out the words, it was just yelling. Subject [redacted] said it took her a while to exit the passenger side of her vehicle, and she saw, [redacted] on top of Judy." Subject [redacted] said, "She couldn't recall if Judy was doing anything, but I know I saw [redacted] like hitting her." Subject [redacted] was asked to describe what she saw, and the positioning of Subject [redacted] Subject [redacted] said Subject [redacted] was "straddling her, on her like upper chest stomach area," and punching downward toward Subject Gonzalez with both fists clenched.

Subject [redacted] said she felt like she was in slow motion as she dropped to her knees to the right of Subject Gonzalez, trying to push Subject [redacted] off of Subject Gonzalez, saying, "What are you doing?"

Subject [redacted] said as she was attempting to dislodge Subject [redacted] from on top of Subject Gonzalez, she remembered, "Thinking to myself like, just don't pass out you know, get her to calm down or just. So I'm trying to push her and as I'm pushing, eventually I believe we roll together. Now me and [redacted] are rolling. Kind of like struggling with each other and somehow she ended up on top of me." Subject [redacted] said she could not remember Subject [redacted] position on her, and she is unsure if at some point she blacked out. Subject [redacted] said, "The next thing I hear is a pop, and [redacted] gets up and I don't even know if she ran away or what she did."

Subject [redacted] was unclear what happened next, because her next recollection is sitting in the back of a radio car. Subject [redacted] said she did know where she was when deputies arrived, nor could she recall when the deputies arrived.

Subject [redacted] was asked if she recognized the "Pop" as a gunshot. She said, "No." Subject [redacted] said she did not hear more than one, "Pop." Subject [redacted] was asked if she hit Subject [redacted] during this incident and she said she did not recall. Subject [redacted] was asked if Subject [redacted] hit her in the face with her fists and she said she did not recall. Subject [redacted] was asked if she said to Subject [redacted] "It's all about East L.A. Bitch" and she said, "No."

Subject [redacted] said during her struggle with Subject [redacted] on the ground, "I was hitting my head, either I'm hitting my head or she's hitting my head; like banging it against the pavement, but again, everything seemed so slow." Subject [redacted] said she sought medical attention at Long Beach Memorial Hospital on Saturday night, although in her interview she referenced the 16th, which is Sunday night.

Subject [redacted] sought medical treatment because she had been vomiting, and had a headache since the incident.

Subject [redacted] was treated for a concussion. Subject [redacted] said she requested the treating physician to draw blood, to prove or disprove the presence of a mind-altering drug, i.e. "mickey," due to her feeling so lethargic and woozy after the sip of her second drink at "JT's". Subject [redacted] said the treating physician told her too much time had elapsed, and that was not an option (Refer to **Exhibit A, page 92** for copies of photographs of Subject [redacted] injuries).

> **IAB Note**: Subject [redacted] utilized a copy of the crime scene sketch for subject placement during her interview (Refer to the back of verbatim transcript).
>
> **IAB Note**: There were no eyewitnesses to the physical altercation between the subjects or the subsequent shooting. Responding deputy personnel, fire personnel and civilians were interviewed by Internal Criminal Investigations Bureau investigators regarding the subjects' demeanor, and possible level of alcohol intoxication. (Refer to **Exhibit A,** for SH-R-49 report, Supplemental reports, and the following statements given to ICIB investigators).

WITNESS STATEMENTS:

Witness [redacted]

Mr. [redacted] was interviewed on November 9, 2011, by Internal Criminal Investigations Bureau Sergeant Amylynn Hanson, employee # [redacted] and Sergeant Daniel Tobin, employee # [redacted] at his place of business in West Covina (Refer to **Exhibit A**, **page 15 and 16).**

Mr. [redacted] essentially corroborated meeting Subject Gonzalez and her friends at "JT's," after receiving a text message from Subject Gonzalez inquiring of the closing time. Mr. [redacted] said when the three arrived at approximately 1130 hours, he spoke to them briefly, then returned to his group of friends. Mr. [redacted] told investigators he did not notice if any of the females appeared to be having problems or that they appeared intoxicated.

Mr. [redacted] said after he left the bar, he texted Subject Gonzalez and asked if she made it home. Subject Gonzalez replied something to the effect of, "We're lost," and, "I don't know where I'm at," and, "Where are you?" He said he thought Subject Gonzalez seemed confused.

Mr. [redacted] said at approximately 0240 hours he received a phone call from Subject Gonzalez' cellular phone. The person on the phone said something to the effect of, "What's going on?" Mr. [redacted] said he was not clear whose voice that was as the phone was given to Subject [redacted] They spoke briefly where Subject [redacted] identified herself, and he asked her what was going on? Mr. [redacted] heard Subject [redacted] in the background ask, "Is that [redacted] Is that [redacted] Subject [redacted] told Subject [redacted] it was not [redacted] it was [redacted] Mr. [redacted] then heard a commotion in the background, and heard Subject [redacted] say, "What are you guys doing? Get back in the fucking car."

Mr. [redacted] said the phone must have dropped because no one was talking to him, but he could still hear a "commotion." Mr. [redacted] told investigators he hung up the phone, and did not hear any gunshots during his brief conversation.

> **IAB Note:** Subject Gonzalez and Mr. [redacted] have been on-and-off [redacted] and [redacted]

Witness [redacted]

Mr. [redacted] was interviewed on October 14, 2011, by Internal Criminal Investigations Bureau Sergeant [redacted] employee # [redacted] and Sergeant [redacted] employee # [redacted] regarding what he witnessed after he heard gun shots fired. Mr. [redacted] is the [redacted] at the [redacted] located next to the [redacted] (Refer to **Exhibit A, pages 35 and 36).**

Mr. [redacted] said he was lying in bed when he heard what he believed were two gunshots, or firecrackers, in close succession. He did not immediately get out of bed until he heard a female voice continuously state, "Fucking Bitch, fucking bitch, fucking bitch." Mr. [redacted] saw the time was 2:30 A.M., so he decided to get up and investigate.

Mr. [redacted] grabbed his binoculars, "Minolta" model, BAK-4 Prisms, 7X5, with a power of 372 feet at 1000 yards, and walked out to his front porch to investigate.

> **IAB Note**: ICIB Sergeant [redacted] looked through Mr. [redacted] binoculars and noted he had an almost unobstructed view of the crime scene. The only object obstructing Mr. [redacted] view was an approximate six foot high perimeter fence to the cemetery.

Mr. [redacted] said he saw a female adult sitting on the pavement next to a silver Volkswagen Jetta. He said due to his slightly obstructed view, he could only see the female from the waist up. Mr. [redacted] saw a second female seated in the driver's seat of the Jetta. He watched as the second female exited the driver's door, and opened the rear passenger door, rummaging around in the backseat as if looking for something. The second female then opened the trunk of the Jetta, and proceeded to go back and forth from the driver's seat, to the rear passenger seat, to the trunk, several times.

ICIB investigators asked Mr. [redacted] to describe the second females demeanor, did she appear frantic, methodical or calm. He said she appeared nervous and confused. He added she appeared as if she couldn't make up her mind. The female would move from the trunk, to the interior of the vehicle, then back and forth. He added the second female did not appear to talk to the first female while she moved back and forth. Mr. [redacted] explained he felt something was not right so he called the Norwalk Sheriff's Station business line, not 9-1-1, to report his observations. He said 10-15 minutes later he saw several radio cars arrive.

Mr. [redacted] said he never saw a third female.

Mr. [redacted] watched a male deputy draw his service weapon and approach the females. A female deputy approached the female seated on the ground, grabbed her from behind, and dragged her backwards away from the vehicle.

Mr. [redacted] was asked if he saw a handgun produced by either female during this incident and he said, "No", but he did see a male deputy pick up what he believed to be a handgun from the pavement.

Mr. [redacted] was asked if he believed the first female he heard cursing, was possibly intoxicated, and he said, "I figured she probably had a few drinks." When asked if he thought her behavior was belligerent he said, "Yes."

Mr. [redacted] was confident the deputies had the situation under control so he returned to bed.

> **IAB Note:** The initial call for service was placed by [redacted] (Refer to **Exhibit A, page 40**, incident history report, Tag #20). ICIB investigators contacted [redacted] who refused to cooperate and said she didn't see anything (Refer to **Exhibit A, page 6**).

Witness Deputy James Velasquez:

Deputy Velasquez was interviewed on October 14, 2011, by Internal Criminal Investigations Bureau Sergeant [redacted] and Sergeant [redacted] (Refer to **Exhibit A, pages 29 through 31** for Deputy Velasquez' statement).

Deputy Velasquez told investigators he responded to La Mirada Regional Park on an illegal shooting call along with handling Deputy Gregoria Martinez, employee #[redacted] and Deputy Christopher Trujillo, employee #[redacted]

Upon arrival Deputy Velasquez said he saw a female, Subject Gonzalez, seated on the pavement outside the driver's door of a silver, Volkswagen Jetta. Deputy Velasquez said Subject Gonzalez was facing northbound away from them. As the deputies approached, he saw a second female, Subject [redacted] seated in the driver's seat of the vehicle with both her feet on the pavement.

Deputy Velasquez said he ordered the females to raise their hands. Subject [redacted] complied, but Subject Gonzalez did not. Deputies Velasquez and Martinez approached Subject [redacted] and Subject Gonzalez, while Deputy Trujillo approached the passenger side of the vehicle.

Deputy Velasquez saw Deputy Martinez assist Subject Gonzalez to her feet, where he saw two expended shell casings on the pavement just west of where Subject Gonzalez had been seated. Deputy Velasquez then heard Deputy Martinez advise there was a weapon at Subject Gonzalez' feet. Deputy Velasquez kicked the weapon from Subject Gonzalez, then retrieved and secured the weapon.

Deputy Trujillo came to assist, and escorted Subject [redacted] from the vehicle, and both Subjects were detained in the back of separate radio cars pending further investigation. Deputy Velasquez was asked if either Subject [redacted] or Subject Gonzalez had identified themselves as Deputy Sheriffs upon first contact and he said, "No".

Deputy Velasquez told investigators he saw Subject Gonzalez was bleeding profusely from her facial area. He said he did not see any injuries on Subject [redacted]

Deputy Velasquez told investigators both subjects appeared to have tired and blank stares.

Deputy Velasquez said, although he personally did not detect the odor of alcohol on either Subject [redacted] or Subject Gonzalez, he believed both subjects were intoxicated.

Deputy Velasquez did not have contact with Subject [redacted]

Witness Deputy Gregoria Martinez:

Deputy Martinez was interviewed on October 14, 2011, by Internal Criminal Investigations Bureau Sergeant [redacted] and Sergeant [redacted] (Refer to **Exhibit A, pages 31 through 34, and pages 41 through 48, for SH-R-49 report)**

Deputy Martinez told investigators she responded with Deputies Velasquez and Trujillo to La Mirada Regional Park on an illegal shooting call.

Deputy Martinez said when they pulled into the parking lot of the park, she saw a female, Subject Gonzalez, sitting on the pavement next to a silver, Volkswagen Jetta. Deputy Martinez said she saw a second female, Subject [redacted] seated in the driver's seat of the Jetta. As the deputies approached, she saw Subject Gonzalez was crying. Deputy Martinez said she placed her arms around Subject Gonzalez' torso and helped her to her feet. Deputy Martinez said she immediately saw a handgun lying on the ground directly in front of where Subject Gonzalez had been sitting.

She informed Deputy Velasquez of the weapon, and he kicked it away from Subject Gonzalez.

Deputy Martinez escorted Subject Gonzalez to the radio car, and saw Subject Gonzalez had scratches on her nose and above her eyes. Subject Gonzalez had blood coming from her nose, and a large amount of blood was on Subject Gonzalez' blouse.

Deputy Martinez then escorted Subject [redacted] to the back of a radio car.

Deputy Martinez was asked to describe the demeanor of Subject Gonzalez. Deputy Martinez said Subject Gonzalez was cooperative during their encounter, and advised her (Deputy Martinez) she (Subject Gonzalez) was a deputy while she was seated on the pavement. It appeared to Deputy Martinez, Subject Gonzalez was drunk, and "She was slurring her words and was not making any sense. I had to go, step, by step, with her."

Deputy Martinez said Subject Gonzalez gave her an account of what happened. After all three subjects entered Subject [redacted] vehicle from "JT's," with Subject [redacted] driving, she (Subject Gonzalez) and Subject [redacted] were arguing. When the vehicle entered the parking lot of La Mirada Regional Park, Subject [redacted] exited the vehicle quickly as did Subject Gonzalez. Subject Gonzalez and Subject [redacted] began fist fighting.

Subject Gonzalez said she tried to defend herself by hitting Subject [redacted] back but Subject [redacted] got the upper hand. Subject Gonzalez said Subject [redacted] got between them and tried to stop the assault. Subject [redacted] then focused her attention on Subject [redacted] and started hitting her. Subject Gonzalez said she ran to Subject [redacted] vehicle, fumbled with the glove box keys for several minutes and finally retrieved her off-duty weapon.

Subject Gonzalez told Deputy Martinez from the front passenger seat she pointed her weapon toward the direction of Subject [redacted] and Subject [redacted] and fired. Subject Gonzalez said she fired her weapon to stop Subject [redacted] assault on Subject [redacted]

Deputy Martinez was asked if she saw any injuries on Subject [redacted] and she described a four-to-five inch bruise on Subject [redacted] left elbow. Deputy Martinez was asked about Subject [redacted] demeanor when she was first contacted. Deputy Martinez said Subject [redacted] did not appear disheveled or exhausted from fighting. Deputy Martinez said Subject [redacted] had a strong odor of alcohol emitting from her person, and her eyes were blood shot and watery. Deputy Martinez added Subject Gonzalez appeared to be the most intoxicated between the two of them.

Deputy Martinez did not have contact with Subject [redacted]

Witness Deputy Christopher Trujillo:

Deputy Trujillo was interviewed on October 14, 2011, by Internal Criminal Investigations Bureau Sergeant [redacted] and Sergeant [redacted] (Refer to **Exhibit A, pages 26 through 28, and pages 61 and 62** for supplemental report**).**

Deputy Trujillo said he, along with Deputies Velasquez and Martinez, responded to La Mirada Regional Park on a call for service of an illegal shooting.

Deputy Trujillo said upon their arrival, a female, Subject Gonzalez, was sitting on the pavement next to a silver, Volkswagen Jetta crying. A second female, Subject [redacted] was seated in the driver's seat of the Jetta. Deputy Trujillo walked over to the passenger side of the vehicle, and heard Subject Gonzalez say she was a Deputy Sheriff, then heard one of his partner's say, "There's a gun." As Deputy Velasquez secured the weapon, Deputy Martinez escorted Subject Gonzalez to the radio car. Deputy Trujillo said he contacted Subject [redacted] who identified herself as a Deputy Sheriff.

Deputy Trujillo said he saw shell casings lying on the pavement just west of the vehicle. Subject Hile was re-contacted by Deputy Trujillo and asked what happened. Deputy Trujillo said Subject [redacted] appeared calm and said she didn't know. When asked what happened to Subject Gonzalez, Subject [redacted] said, "Her and [redacted] were fighting, and [redacted] ran away". Deputy Trujillo asked Subject [redacted] who was [redacted] and she told him it was [redacted] a co-worker at Norwalk Sheriff Station. Sergeant Maybury was notified of the incident.

Deputy Trujillo was asked about Subject [redacted] level of intoxication. Deputy Trujillo said when he contacted Subject [redacted] in the back seat of the radio car he could smell the strong odor of an alcoholic beverage, but she did not seem to be extremely intoxicated.

Deputy Trujillo said Subject [redacted] was cooperative with him, as well as responding paramedics.

Deputy Trujillo was asked if Subject Gonzalez was cooperative with the paramedics. Deputy Trujillo said she was cooperative, but refused medical treatment. Deputy Trujillo observed swelling to Subject Gonzalez' eyes and nose. He saw a large amount of blood on Subject Gonzalez' face, and her white blouse was dirty on the back as if from asphalt.

Deputy Trujillo said he did not speak to Subject Gonzalez or Subject [redacted]

Los Angeles County Fire Paramedic Mike Jones:

Los Angeles County Fire Paramedic Mike Jones, employee #[redacted] was interviewed on October 25, 2011, at fire station #49, by Internal Criminal Investigations Bureau Sergeant Amylynn Hanson, and Sergeant Daniel Tobin, regarding his observations on the night of the off-duty fight and shooting (Refer to **Exhibit A, pages 11 and 12).**

Los Angeles County Fire Paramedic Jones told investigators he was working at fire station #49, when a call was received regarding a person injured at the La Mirada Gymnasium. He was driving the squad, and was partnered with Fire Paramedic Bennett. Fire Paramedic Jones said it took them less than one minute to respond to the gymnasium. Upon their arrival they saw several Sheriff's radio cars behind a vehicle in the parking lot. Fire Paramedic Jones said as he was approaching the car to treat the injured female, he heard several obscenities coming from the vehicle. Fire Paramedic Jones stood by while the female (Subject Gonzalez) was treated by Fire Captain Lombardo for facial injuries. Fire Paramedic Jones said they were going to leave when another deputy told them another female believed to be involved in the incident, was at their fire station.

Fire Paramedic Jones said they responded back to the fire station and saw a female (Subject [redacted] sitting by the flagpole in front of the station. Fire Paramedic Jones said Subject [redacted] appeared disheveled, was missing a shoe, and her sock had a hole in it from the asphalt. He said she also appeared intoxicated. Fire Paramedic Jones said he observed some bruising on Subject [redacted] cheek which appeared to be a bite mark.

Fire Paramedic Jones said Subject [redacted] told them she went out with some girls and got into a fight. Subject [redacted] said at some point one of the girls went back into the car and retrieved a weapon. Subject [redacted] said she started running and heard gunshots from behind her.

Fire Paramedic Jones said Subject [redacted] mentioned something about the other females saying something like, "East L.A. is better than La Mirada".

Los Angeles County Fire Paramedic Mike Bennett:

Fire Paramedic Mike Bennett, employee #[redacted] was interviewed on October 27, 2011, at Fire Station #49, by Internal Criminal Investigations Bureau Sergeant Amylynn Hanson and Sergeant Daniel Tobin (Refer to **Exhibit A, pages 13 and 14**).

Fire Paramedic Bennett responded to a call near the La Mirada Gymnasium. He said he treated a female, Subject Gonzalez, for a possible broken nose.

Fire Paramedic Bennett was asked if heard Subject Gonzalez yelling anything. He said she was very angry and worked up, he heard her screaming something to the effect of, "The bitch ran away", while seated in the back of the radio car.

Fire Paramedic said he and his partner then received information another involved party was at their fire station. They responded back to the fire station and contacted Subject [redacted] who appeared very emotional. Fire Paramedic Bennett said he saw swelling to one of her cheeks. Fie Paramedic Bennett was asked if Subject [redacted] appeared to be drinking and he said, "No," but Subject [redacted] told him she had been drinking.

Los Angeles County Firefighter Chris Manzanares:

Los Angeles County Firefighter Chris Manzanares, employee #[redacted] was interviewed on October 25, 2011, at fire station #49, by Internal Criminal Investigations Bureau Sergeant Amylynn Hanson and Sergeant Daniel Tobin (Refer to **Exhibit A, pages 12 and 13**).

Firefighter Chris Manzanares said he was working at fire station #49 on October 14, 2011. Firefighter Manzanares was sleeping in a chair on the north side of the fire station when Subject [redacted] woke him up crying and asking for help. Firefighter Manzanares said Subject [redacted] appeared disheveled and intoxicated.

Firefighter Manzanares said Subject [redacted] told him she was out drinking with some friends when they all started arguing. The three then got in to a physical altercation when one of the friends shot at her. Firefighter Manzanares told investigators he was taken aback and asked her, "Someone shot at you"? Firefighter Manzanares said Subject [redacted] said yes, but she was not hurt. Firefighter Manzanares told Subject [redacted] to clean up at the sink and have a seat. At this time the call was received to respond to La Mirada Regional Park. Firefighter Manzanares said he gave Subject [redacted] the station telephone, as well as his personal cell phone to make telephone calls.

Once at the crime scene, Firefighter Manzanares was approaching the Sheriff's radio car that contained the female (Subject Gonzalez) they were there to treat. Firefighter Manzanares said Subject Gonzalez exited the radio car and he heard her say something to the effect of, "I wish I woulda' shot that bitch", or, "I wish I woulda' hit her."

Firefighter Manzanares said he overheard one of the deputies at the scene say the other party involved was at the fire station. Firefighter Manzanares said he told Captain Lombardo the other female was, [redacted]

Los Angeles County Fire Captain Gregory Lombardo:

Los Angeles County Fire Captain Gregory Lombardo, employee #[redacted] was interviewed on October 27, 2011 at Fire Station #49 by Internal Criminal Investigations Bureau Sergeant Amylynn Hanson and Sergeant Daniel Tobin (Refer to **Exhibit A, pages 14 and 15**).

Captain Lombardo said the station received a call for service at La Mirada Regional Park Gymnasium. Upon arrival he observed a female, (Subject Gonzalez) in the back of a Sheriff's radio car with facial injuries. Captain Lombardo said during her medical treatment Subject Gonzalez was very irate when talking to Sheriff's Personnel, but very professional when dealing with the fireman. Captain Lombardo said he heard Subject Gonzalez say something to the effect of, "I hope I got that bitch", or, "I hope I shot that bitch".